

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

)	
In the Matter of:)	Docket No. FMCSA-2007-0089
)	
Accent Movers, Inc.,)	(Federal Motor Carrier Safety
)	Administration)
)	
Respondent.)	
)	Honorable Richard C. Goodwin
)	Administrative Law Judge
)	

CLAIMANT'S MOTION FOR SUMMARY JUDGMENT

Claimant, the Field Administrator for the Southern Service Center of the United States Department of Transportation, Federal Motor Carrier Safety Administration, through the undersigned hereby moves for summary judgment in this civil penalty proceeding. Claimant respectfully requests judgment in its favor finding that Respondent, Accent Movers, Inc., committed the violation of 49 C.F.R. § 392.9a(a) / 49 U.S.C. § 14901(d)(3) and imposition of a civil penalty in the amount of \$25,000. In support thereof, Claimant states as follows:

I. INTRODUCTION AND PROCEDURAL HISTORY

This civil penalty proceeding was commenced through the issuance of a Notice of Claim on August 31, 2007, pursuant to 49 C.F.R. Part 386. The Notice of Claim was based on violations of the Federal Motor Carrier Safety Regulations (FMCSRs)

discovered during a compliance review of Accent Movers, Inc. (“Accent Movers” or “Respondent”) completed on or about May 17, 2007. The Notice of Claim charged Respondent with one violation of failure to register or to maintain registration as a household goods broker or motor carrier in violation of 49 C.F.R. § 392.9a(a) / 49 U.S.C. § 14901(d)(3). The Notice of Claim asserted a civil penalty of \$25,000 for the charged violation. A copy of the Notice of Claim is attached hereto and identified as Attachment A.

Respondent, through its attorney, timely served a reply to the Notice of Claim. In its reply Respondent denied the charged violation and requested administrative adjudication in the form of a formal hearing. A copy of Respondent’s reply to the Notice of Claim is attached hereto and identified as Attachment B.

The Assistant Administrator on November 7, 2008 entered an Order appointing an Administrative Law Judge of the United States Department of Transportation’s Office of Hearings to preside over this proceeding. This proceeding was assigned to the Honorable Richard C. Goodwin, Administrative Law Judge, on November 26, 2008. Claimant served its Notice and discovery requests on January 8, 2009; Respondent served its responses to the Request for Admissions on January 23, 2009, and its responses to Claimant’s request for production and interrogatories on February 24, 2009 and February 25, 2009.¹ Respondent served Claimant with requests for production and interrogatories on January 20, 2009; Claimant served responses to Respondent’s discovery request on February 24, 2009 and supplemental responses on May 15, 2009 and May 29, 2009.

¹ The February 24, 2009 and February 25, 2009 responses appear very similar with some minor wording changes and a certification added to the February 25, 2009 response.

This matter is currently set for hearing June 15-19, 2009. Claimant believes there are no disputed material facts, and a hearing in this matter is not warranted.

II. BACKGROUND AND STATEMENT OF JURISDICTION

Respondent is a for-hire motor carrier providing transportation of household goods by commercial motor vehicle in commerce, and is subject to the jurisdiction of the Secretary of Transportation, and the FMCSA Administrator, pursuant to 49 U.S.C. § 13501.

III. MOTION FOR SUMMARY JUDGMENT

A. Standard for Summary Judgment

Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and establishing that the moving party is entitled to judgment as a matter of law.² The moving party bears the initial burden of establishing no genuine issue of material fact exists, and that as a matter of law it is entitled to judgment; once a Claimant has made a properly-supported motion for summary judgment, the burden shifts to the Respondent to come forward with evidence tending to show that the charge is not meritorious or, at least, that there are material facts in dispute that would preclude granting a motion for summary judgment.³ It is not the

² See, e.g. Rule 56 of the Federal Rules of Civil Procedure. See also *Cleotex Corp. V. Catrett*, 477 U.S. 317, 106 S.Ct. 2548 (1986); *In re Forsyth Milk Hauling Co., Inc.*, Docket No. R3-90-037, 58 Fed. Reg. 16916, 16983, March 31, 1993 (FHWA Order, December 5, 1991).

³ See *Cleotex, supra.*; See also *In the Matter of United Moving Systems, Inc. dba Moving and Storage*, Docket No. FMCSA-2007-27559 (Administrative Law Judge's Initial Decision Granting Claimant's Motion for Summary Judgment and Assessing Civil Penalties, May 20, 2008).

burden of Claimant to negate respondent's claim.⁴ A respondent cannot rest on mere denials.⁵ Materiality is determined from the substantive law governing the claim.⁶ The dispute of a material fact is only deemed genuine if sufficient evidence exists that would allow a reasonable fact-finder to make a finding in favor of the non-moving party.⁷ The threshold inquiry is whether there are any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party.⁸ The mere existence of some alleged factual dispute between the parties is not sufficient.⁹ Bare denials without more are insufficient to raise a genuine issue of material fact.¹⁰

B. Applicable Statute and Regulation

1. Statutory Requirement for Registration/Operating Authority

Under 49 U.S.C. § 13901, motor carriers¹¹ providing transportation and operating over the public highways in interstate or foreign commerce must be registered with

⁴ See *Cleotex, supra*.

⁵ *Id.* at 6 citing to *Cleotex Corp. v. Catrett*, 477 U.S. 317 (1986) and *Anderson v. Liberty Lobby*, 477 U.S. 242, 248 (1996).

⁶ *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S.Ct. 2505 (1986).

⁷ *Id.* at 248-49.

⁸ *Id.* at 249.

⁹ *Id.* at 247.

¹⁰ *In re R.M. Black Jr. Produce, Inc.*, 58 Fed. Reg. 16916, 16980 FHWA Final Order, 1992).

¹¹ The term "motor carrier" means a person providing commercial motor vehicle transportation for compensation. See 49 U.S.C. § 13102(14).

FMCSA;¹² a person may be registered as a motor carrier, under 49 U.S.C. § 13902, if that person is willing and able to comply with applicable regulations and minimum financial responsibility requirements. Household goods motor carriers must also provide evidence of participation in an arbitration program, identify its tariff, provide that it has access to, has read, is familiar with, and will observe applicable Federal laws, and disclose any relationship with any other motor carrier, freight forwarder, or broker of household goods. Pursuant to 49 U.S.C. § 13906 motor carriers may only be registered, and may only operate in interstate commerce, if they file with the FMCSA evidence of adequate financial responsibility. Under 49 U.S.C. § 13906, a motor carrier's registration remains in effect only as long as the motor carrier continues to satisfy the requirement of maintaining evidence of adequate levels of financial responsibility on file with FMCSA.

2. Prohibition on operations without authority/registration.

49 C.F.R. § 392.9a(a) prohibits the operation of a motor vehicle providing transportation in interstate transportation without the required registration/operating authority¹³ or beyond the scope of any registration that has been granted.

Pursuant to 49 U.S.C. § 14901(d)(3), if a person provides transportation of household goods¹⁴ in interstate or foreign commerce or provides broker services for such

¹² Under 49 U.S.C. § 113, FMCSA has been delegated the duties and powers related to motor carriers, motor carrier safety, and registration vested in the Secretary.

¹³ For the purposes of 49 C.F.R. § 392.9a(a) and 49 U.S.C. §§ 13901 *et. seq.* the terms operating authority and registration are synonymous. 49 C.F.R. § 392.9a(a) was amended in 2006 to use the term “operating authority” to avoid confusion of FMCSA registration to operate in interstate commerce with State vehicle licensing and registration. *See also In the Matter of Globus Moving, LLC dba Globus Moving*, Docket No. FMCSA-2006-26592 (Final Order, November 25, 2008).

¹⁴ Pursuant to 49 U.S.C. § 13102(12), the term “household goods motor carrier” means a motor carrier that, in the ordinary course of its business of providing transportation of

transportation without having registration/authority to provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than \$25,000 for each violation.

“Transportation” is defined as including (A) a motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and (B) services related to that movement, including arranging for, receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, packing, unpacking, and interchange of passengers and property.¹⁵

In December 1997 Accent Movers applied for, and was granted, operating authority/registration as an interstate motor carrier of household goods. The operating authority/registration was subsequently revoked on June 16, 1998 for failure to comply with financial responsibility requirements including the requirement of maintaining evidence of adequate insurance on file with the Agency. Accent Mover’s operating authority/registration was not reinstated, and has remained revoked by the Agency since 1998.¹⁶ After June 16, 1998, Accent Movers did not have registration/authority to

household goods, offers some or all of the following additional services: (i) binding and nonbinding estimates; (ii) inventorying; (iii) protective packing and unpacking of individual items at personal residences; (iv) loading and unloading at personal residences.

¹⁵ 49 U.S.C. § 13102(23).

¹⁶ See Attachment K Langloss Declaration and ¶ 3 and Exhibit 1. See also Attachment D Admissions, Request No. 4 in which Respondent admits that its authority/registration (as those terms are defined and used in 49 U.S.C. §§ 13901 *et. seq.* and 49 C.F.R. §§ 390.5 and 392.9a(a)) from the United States Department of Transportation as an interstate motor carrier was revoked on or about June 16, 1998.

provide transportation by motor vehicle, including services associated with transportation by motor vehicle, of household goods, in interstate commerce

C. Violation

The Notice of Claim charges Accent Movers with one violation of 49 C.F.R. § 392.9a(a) / 49 U.S.C. § 14901(d)(3). Specifically, the Notice of Claim charges that on or about September 11, 2006 Accent Movers transported of household goods in for-hire carriage from Sacramento, California to Springtown Texas and at the time of the transportation Accent Movers was not registered with the Federal Motor Carrier Safety Administration.¹⁷

D. Undisputed facts

In August 2006 Accent Movers was contacted by individual shipper Michele Coogan regarding the move of her household goods from Sacramento, California to Springtown, Texas. Ms. Coogan became aware of, and contacted, Accent Movers, through of her realtor, the niece of a friend. Ms. Coogan understood that an employee of her realtor was the sister of the owner of Accent Movers.¹⁸ In August 2006 Shipper Coogan and Accent Movers exchanged various emails regarding her move titled “Accent Movers Confirmation for Your Move” and “Updated Quote for Your Move”.¹⁹ Accent Movers provided to shipper Coogan a “guaranteed quote” for the interstate transportation of her household goods from California to Texas; the estimates in boxed and large type state “Accent Movers guarantees the quoted price is binding and will NOT CHANGE as

¹⁷ See Attachment A Notice of Claim.

¹⁸ See Attachment K Langloss Declaration ¶ 16 and Exhibit 14.

¹⁹ See Attachment K Langloss Declaration ¶ 8-9 and Exhibits 5-7.

long as the information furnished remains the same.²⁰ The estimates also included scheduling arrangements for the pickup of the household goods, and for accessorial services of pickup and delivery, disassembly and reassembly of furniture, and loading and unloading. The final estimate provided by Accent Movers to Coogan for the transportation of her household goods from California to Texas was \$5,000; this estimate was provided after various email exchanges between Coogan and Accent Mover's employee and after the employee checked with Shane.²¹ Coogan paid Accent Movers a down payment of \$1,000 with the remaining \$4,000 to be paid at delivery. Ms. Coogan specifically remembers the payment being made to Accent Movers.²²

In August and September 2006 Accent Movers did not have registration/authority from the United States Department of Transportation as a broker and/or interstate motor carrier.²³

On September 11, 2006 Mark Moreno, with a helper, came to shipper Coogan's address in California to load and transport her household goods to Texas. Mr. Moreno

²⁰ See Attachment K Langloss Declaration ¶ 8-9 and Exhibits 5-7.

²¹ See Attachment K Langloss Declaration ¶ 8-9 and Exhibits 5-7; See also Attachment D Request No. 14 wherein Accent Movers admits the email chain is a fair and accurate printout of the email communications between Accent Movers and shipper Coogan on or about August 31, 2006; the email chain includes the statements "It shouldn't be that much because your main cost is the mileage and you've already been charged on that." And "Just checked with Shane and your total will be \$5000.00."

²² See Attachment K Langloss Declaration ¶ 11, 16-17 and Exhibits 4-6, 9 and 14-15. See also Attachment G Interrogatory No. 15 wherein Respondent states it paid monies received from shipper Coogan to Mark Moreno.

²³ See Attachment K Langloss Declaration ¶ 3 and Exhibit 1. See also Attachment D Admissions, Request No. 1 in which Respondent admits that it did not have registration/authority from the United States Department of Transportation (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) in August or September 2006.

told Ms. Coogan that he was working for Accent Movers.²⁴ Shipper Coogan asked various questions about the transportation of her household goods and the vehicle being used in the transportation, and Moreno repeatedly called the President of Accent Movers, Shane Gibson.²⁵ At one point Ms. Coogan became aware that all of her household goods would not fit into the trailer being used for the transportation, and asked Mr. Moreno when Accent Movers would transport the remainder of her property; Mr. Moreno contacted Mr. Gibson by telephone, and then informed Ms. Coogan that Accent Movers did not often come into California, and they were not sure when they would be able to transport the remaining items.²⁶ Ms. Coogan's household goods were delivered in Texas by driver Moreno. Upon delivery Ms. Coogan paid to Accent Movers a balance of \$4,000.²⁷ The shipping documents for the move, signed by Ms. Coogan and Mark Moreno, show the transportation of household goods from California to Texas and the \$5,000 charge for the move with a down payment of \$1,000 and payment on delivery of \$4,000.²⁸ Accent Movers admits that the shipping documents are fair and accurate copies of Accent Movers Household Goods Proposal and Contract of Moving Services for shipper Coogan.²⁹ Accent Movers also admits it paid Mark Moreno for the interstate transportation monies received from shipper Coogan.³⁰

²⁴ See Attachment K Langloss Declaration ¶ 16 and 17 and Exhibits 14 and 15.

²⁵ See Attachment K Langloss Declaration ¶ 17 and Exhibit 15.

²⁶ See Attachment K Langloss Declaration ¶ 17 and Exhibit 15.

²⁷ See Attachment K Langloss Declaration ¶ 11, 16-17 and Exhibits 9 and 14-15.

²⁸ See Attachment K Langloss Declaration ¶ 10 and Exhibit 8.

²⁹ See Attachment D Admissions Request No. 15. See also Attachment K Langloss Declaration ¶ 10 and Exhibit 8.

During the May 17, 2007 compliance review Shane Gibson also admitted Accent Movers had engaged in an interstate movement of household goods without having required authority. Specifically, Mr. Gibson admitted that Accent Movers provided transportation of household goods for shipper Michelle Coogan from California to Texas with a pick up date of September 11, 2006 and a delivery date of September 15, 2006. Mr. Gibson further admitted the driver for the interstate transportation was Mark Moreno.³¹

Mark Moreno was an employee of Accent Movers at the time of the interstate transportation in September 2006. Mark Moreno told shipper Coogan he was working for Accent Movers.³² Moreover, during the compliance review, while discussing the interstate transportation of household goods from California to Texas, Shane Gibson, President of Accent Movers, told the investigator that Mark Moreno was an employee of Accent Movers for the period of January 7, 2005 through January 10, 2007.³³ Further, Shane Gibson handwrote a note detailing Accent Movers' employment of Mark Moreno for the period of January 7, 2007 to January 10, 2007 and stated Moreno operated a black Ford F350 truck with trailers. Mr. Gibson wrote and signed the note for Accent Movers;

³⁰ See Attachment J Interrogatory No. 15.

³¹ See Attachment K Langloss Declaration ¶ 13 and Exhibit 11. See also Attachment D Admissions Request No. 8 wherein Accent Movers admits the written statement in Exhibit 11 was signed by Shane Gibson on or about May 17, 2007.

³² See Attachment K Langloss Declaration ¶ 16-17 and Exhibits 14 and 15.

³³ See Attachment K Langloss Declaration ¶ 14 and Exhibit 12.

Mr. Gibson dated the note as May 17, 2009.³⁴ Additionally, during an investigation of a complaint made against Accent Movers involving the mediation of a claim by a shipper, Mr. Gibson conveyed to the Texas Department of Transportation in March 2006 that Mark Moreno had represented Accent Movers in the mediation on the claim and that Mark Moreno had had full authority to represent the company in the mediation.³⁵

In 2006 and 2007 Accent Movers advertized its services for both intrastate and interstate transportation of household goods.³⁶ On its website Accent Movers states that it conducts moves locally and “all over the country”. Further, Accent Movers filed a Motor Carrier Identification Report (Form MCS-150) with FMCSA on March 20, 2006, less than six months before the interstate transportation for shipper Coogan, in which it affirmatively states it is a for-hire interstate motor carrier of household goods.³⁷ Shane Gibson, President of Accent Movers signed the MCS-150 verifying the completeness and accuracy of the filing, and certifying his familiarity with the Federal Motor Carrier Safety

³⁴ See Attachment K Langloss Declaration ¶ 14 and Exhibit 12. See also Attachment D Admissions Request No. 7 wherein Respondent admits Exhibit 12 was written by Shane Gibson and as the “personal truth of Shane Gibson”.

³⁵ See Attachment K Langloss Declaration ¶ 18.

³⁶ See Attachment K Langloss Declaration ¶ 6 and Exhibit 3. Exhibit 3 is a printout of the internet advertisement of Accent Movers. See also Attachment D Admissions Request No. 10 admitting that Exhibit 3 is a fair and accurate printout of the information on Accent Movers’ website in 2007.

³⁷ See Attachment K Langloss Declaration ¶ 5 and Exhibit 2. See also Attachment D Admissions Request No. 16 wherein Respondent admits that Exhibit 2 is a fair and accurate copy of the Motor Carrier Identification report filed by Accent Movers with FMCSA in March 2006.

Regulations, in which section 392.9a(a), the prohibition against operating without authority/registration, is contained.³⁸

E. Civil Penalty

The civil penalty for a violation of 49 C.F.R. § 392.9a(a)/49 U.S.C. § 14901(d)(3) is determined in accordance with 49 U.S.C. § 14901; when the violation involves the transportation of household goods, the penalty is determined in accordance with 49 U.S.C. § 14901(d)(3).³⁹

The Safe Accountable Flexible efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), effective August 10, 2005, created specific civil penalties for motor carriers providing transportation of household goods without operating authority/registration. Section 14901(d)(3) provides for a civil penalty of “not less than \$25,000 for each violation” if a person transports household goods in interstate commerce without the appropriate operating authority/registration. SAFETEA-LU specifically intended to provide “greater protection to consumers shipping their household goods via motor carrier”.⁴⁰

The Assistant Administrator has consistently upheld the imposition of the \$25,000 minimum statutory penalty where a motor carrier has provided transportation of

³⁸ *Id.*

³⁹ Respondent’s assertion in its reply that the penalty factors of 49 U.S.C. §§ 521(B)(2)(D) and 5123(3) are applicable is incorrect.

⁴⁰ See Conference Report, Subtitle B-Household Goods Transportation, 151 Cong. Rec. H7043-01, 2005 WL 1794996.

household goods in interstate commerce without operating authority/registration.⁴¹ In the instant case, in her Order appointing an Administrative Law Judge to preside over this proceeding, the Assistant Administrator again noted that \$25,000 is the minimum civil penalty that may be assessed under the statute for the violation charged.⁴²

F. Argument

1. Accent Movers provided transportation in interstate commerce of household goods for shipper Coogan.

In arranging for the move of Coogan's household goods, scheduling the pick-up and delivery, and providing a binding estimate⁴³ to shipper Coogan, Accent Movers provided transportation of household goods in interstate commerce. Moreover, in addition to arranging for and scheduling the move and providing an estimate to shipper Coogan, Accent Movers, using its employee Mark Moreno and Accent Movers' Household Goods Proposal and Contract of Moving Services shipping documents, loaded the household goods at origin, operated the commercial motor vehicle providing the transportation, and unloaded the household goods at destination. Moreover, Accent

⁴¹ See *In the Matter of Globus Moving, LLC dba Globus Moving*, Docket No. FMCSA-2006-26592 (Final Order, November 25, 2008) at 9 [Section 14901(d)(3) provides for a civil penalty of "not less than \$25,000 for each violation" if a person transports household goods in interstate commerce without appropriate registration. Because the penalty was neither improper nor inappropriate, the penalty assessment is upheld]. See also *In the Matter of Sea & Air Express Corp.*, Docket No. FMCSA-2007-27384 (Final Order, May 11, 2007) at 3 [there is no authority to assess a civil penalty below \$25,000 where a respondent transported household goods in interstate commerce without required operating authority/registration].

⁴² See *In the Matter of Accent Movers, Inc.*, Docket No. FMCSA-2007-0089 (Order Appointing Administrative Law Judge, November 7, 2008) at 2.

⁴³ Pursuant to 49 C.F.R. § 375.401(b)(1) a *binding estimate* is an agreement made in advance with an individual shipper. It guarantees the total cost of the move based upon the quantities and services shown on the estimate.

Movers accepted both the down payment and the remaining balance payment from shipper Coogan and paid Mark Moreno for the transportation.

Accent Movers arranged and scheduled the move, made a binding estimate for the move, loaded and transported the household goods on Accent Movers' shipping documents using an Accent Movers' employee, delivered the household goods at destination and accepted payment for the transportation from the shipper. Accent Movers provided transportation of household goods in interstate commerce for shipper Coogan on or about September 11, 2006.

2. Accent Movers is charged with the responsibility of knowing and complying with applicable regulations.

Respondent is charged with the responsibility of knowing and complying with applicable regulations. Motor carriers operate in a highly regulated industry, and every motor carrier is required to be knowledgeable of, and comply with, all regulations applicable to their operations.⁴⁴ Respondent is responsible for ascertaining what the regulations require, and complying with those regulations.⁴⁵ 49 C.F.R. § 392.9a(a) and 49 U.S.C. § 14901 prohibit all operations providing transportation in interstate commerce; neither knowledge nor intent are relevant in determining whether a violation has occurred.⁴⁶ Respondent cannot avoid this burden by arguing he simply did not

⁴⁴ 49 C.F.R. §390.3; *In the Matter of Swanny Trucking, Inc.*, Docket No. FMCSA-200109246, Final Order (March 30, 2001); *In re Robert Hansen Trucking, Inc.*, 57 FR 28731, 28732 (Order, 1992).

⁴⁵ See *In the Matter of American Truck & Trailer Repair*, Docket No. FHWA-94-5276, Final Order (June 24, 1994).

⁴⁶ See *In the Matter of Tractores y Camiones S.A. de C.V.*, Docket No. 2006-26466 (Order Denying Petition for Reconsideration, December 11, 2008).

know, was not informed or was misinformed. Moreover, Shane Gibson, on behalf of Accent Movers, affirmatively certified he was familiar with applicable Federal regulations.⁴⁷

3. Respondent is responsible for the actions of its employees and the regulatory compliance of each of its employees.

Respondent cannot avoid its burden for regulatory compliance by attempting to shift that burden to its employees. In the context of the regulations, employers are liable for the actions of employees.⁴⁸ The regulations have imposed upon motor carriers the duty to supervise employees used by the carrier; the regulations require motor carriers to ensure that their employees observe all regulatory duties and prohibitions.⁴⁹ Motor carriers are responsible for the acts and omissions of their employees and agents with respect to regulatory compliance.⁵⁰ The Decisions of the Assistant Administrator and public policy hold that the principal of *Respondeat Superior* applies to all employees of the motor carrier, including independent contractors, regardless of their employment status.⁵¹

⁴⁷ See Attachment K Langloss Declaration and Exhibit 2.

⁴⁸ See *In the Matter of Horizon Transportation, Inc.*, Docket No. R3-89-114, 55 Fed Reg. 43264, 43292 (Final Order, October 26, 1990).

⁴⁹ 49 C.F.R. § 390.11.

⁵⁰ See *In the Matter of Davis Hauling Company, Inc.*, Docket No. FMCSA-2005-21008 (Final Order, April 27, 2006).

⁵¹ See *In the Matter of World Trucking, Inc.*, Docket No. FMCSA-2004-18624 (Decision on Petition for Review of Safety Rating, March 21, 2005).

Significant public interest supports the view that motor carriers cannot simply transfer this responsibility for monitoring employee compliance with federal regulations to the employees requiring the supervision.⁵² As a motor carrier, Respondent has duties and responsibilities which it may not shift.⁵³ Motor carriers are responsible for the action, or inaction, of their employees and their independent contractors, and cannot evade responsibility under the regulations by contracting its duties to others. Ultimately a motor carrier providing transportation is, and remains, responsible for compliance.⁵⁴ “Referral” of the interstate transportation of household goods for shipper Coogan to its employee is not a defense to the charged violation.

4. **Accent Movers sets forth no basis or substance supporting its denial of the charged violation.**

In its Reply Respondent states “Mark Moreno was the driver on this trip that is made the subject of this action. Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past. Accent Movers, Inc. did not broker the move, nor participated in the transportation of the shipment of this inquiry”. Respondent’s reply is ambiguous and a bare and unsupported general denial of the charged violation. Claimant conducted extensive discovery giving

⁵² See *In the Matter of R.W. Bozel Transfer, Inc.*, 58 Fed. Reg. 16916 (Final Order, March 31, 1993).

⁵³ See *FMCSA v. Hilltop Transportation, Inc.*, Docket No. FMCSA-2003-7093 (Order Granting Field Administrator’s Request for Decision and Motion for Summary Judgment, February 9, 2004) (Order of Administrative Law Judge Kolko).

⁵⁴ *Id.* See also *In the Matter of Fiske Dairy, Inc.*, Docket No. FMCSA-2001-9089 (Final Order under 385.15, April 30, 2001); *Commodity Carriers v. FMCSA*, 434 F.3d 604 (D.C. Cir. 2006).

Respondent broad opportunity to produce some basis for its denial; Respondent failed to produce any evidence, support or basis for the denial made in its pleading.⁵⁵

Although Respondent claims it “referred” the move to Mark Moreno, Respondent produces no information regarding Mark Moreno,⁵⁶ nor can respondent provide any explanation of what it means by “referred” the move to Moreno.⁵⁷ Respondent further produces no documents related to its association with Mark Moreno.⁵⁸ Respondent admits that it does not know of any employing motor carrier for Mark Moreno, or any registration/authority for Mark Moreno and/or any entity employing Mark Moreno and produces no documents related to such.⁵⁹ Respondent’s sole stated basis for its “referral” of the move to Mark Moreno is that it had “referred” other moves to Moreno in the past, but cannot identify any other moves so “referred”.⁶⁰ Respondent also admits it made no inquiries, and has and had no information regarding Mark Moreno or any employer of Mark Moreno.⁶¹ Respondent even fails to provide information on the payments received

⁵⁵ See Attachment G Responses to Interrogatories and Attachment J Responses to Request for Production of Documents.

⁵⁶ See Attachment G Interrogatory No. 7; See also Attachment J Document Production Request No. 4.

⁵⁷ See Attachment G Interrogatory No. 8.

⁵⁸ See Attachment J Documents Production Request No. 4.

⁵⁹ See Attachment G Interrogatory No. 9; See also Attachment J Document Production Request No. 11.

⁶⁰ See Attachment G Interrogatories No. 11, 12 and 13; See also Attachment J Document Production Request No. 8.

⁶¹ See Attachment G Interrogatories No. 10, 11, and 12; See also Attachment J Document Production Request No. 11.

from shipper Coogan except to state that it paid Moreno monies received from Coogan.⁶² Respondent's denial lacks any substance and Respondent fails to produce any basis or support of its denial in its pleading. Further, Respondent intends only to call Shane Gibson as a witness at hearing and produces no summary of his expected testimony⁶³, and intends to produce no exhibits or documentation at hearing⁶⁴ Respondent's unsubstantiated allegation is insufficient to establish a material fact in dispute warranting an oral hearing.⁶⁵

6. Claimant is entitled to summary judgment as a matter of law.

Claimant has established a *prima facie* case. The essential facts establishing the violation of 49 C.F.R. § 392.9a(a) / 49 U.S.C. § 14901 are clear and undisputed. Respondent sets forth nothing more than a bare general denial, and no material facts are in dispute.⁶⁶ Taking all evidence in the light most favorable to Respondent, there is no basis, evidence or facts on which a fact finder could find in Respondent's favor.⁶⁷ Claimant is entitled to summary judgment as a matter of law.

⁶² See Attachment G Interrogatories No. 15 and 16; See also Attachment J Document Production Request No. 5

⁶³ See Attachment G Interrogatory No. 3.

⁶⁴ See Attachment J Document Production Request No. 2.

⁶⁵ See *In re Forsyth Milk Hauling Co., Inc.*, Docket No. R3-90-037, 58 Fed Reg. 16916 at 16983, March 31, 1993 (Order, December 5, 1991)

⁶⁶ One of the principal purposes of the summary judgment rule is to isolate and dispose of factually unsupported claims or defenses. See *Cleotex, supra.* at 323-324.

⁶⁷ The entry of summary judgment is mandated, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. A complete failure of proof concerning an essential element of

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Attachments

Attachment A	Notice of Claim
Attachment B	Respondent's Reply to the Notice of Claim
Attachment C	Claimant's Request for Admissions served January 8, 2009
Attachment D	Respondent's Responses to Claimant's Request for Admissions served January 23, 2009
Attachment E	Claimant's First Set of Interrogatories served January 8, 2009
Attachment F	Respondent's Responses to Claimant's First Set of Interrogatories served February 24, 2009
Attachment G	Respondent's Responses to Claimant's First Set of Interrogatories served February 25, 2009
Attachment H	Claimant's First Request for Production of Documents served January 8, 2009
Attachment I	Respondent's Responses to Claimant's First Request for Production of Documents served February 24, 2009
Attachment J	Respondent's Responses to Claimant's First Request for Production of Documents served February 25, 2009
Attachment K	Declaration of Federal Programs Manager Jeff Langloss

Exhibits

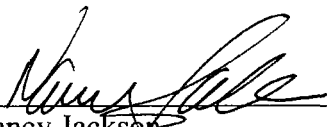
Exhibit 1	Licensing and Insurance Division information regarding authority/registration of Accent Movers
Exhibit 2	Accent Mover's Motor Carrier Identification Report (MCS-150) dated March 20, 2006

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|------------|--|
| Exhibit 3 | Accent Mover's Internet webpage printout |
| Exhibit 4 | Email transmission of information and documents from shipper Coogan to FMCSA Investigator Leal |
| Exhibit 5 | Accent Mover's email to shipper Coogan – dated 31 Aug. 2006 09:39:47 – subject title "Accent Movers Confirmation for Move" |
| Exhibit 6 | Accent Mover's email to shipper Coogan – dated 31 Aug. 2006 10:51:54 – subject title "Updated Quote for Moving" |
| Exhibit 7 | Accent Mover's email to shipper Coogan – dated 31 Aug. 2006 10:52:43 – subject title "Accent Movers Confirmation for Move" |
| Exhibit 8 | Accent Movers shipping documents for shipper Coogan |
| Exhibit 9 | Bank records and annotations of shipper Coogan |
| Exhibit 10 | Compliance review report – May 2007 review |
| Exhibit 11 | Written statement of Shane Gibson signed May 17, 2007 |
| Exhibit 12 | Handwritten document of Shane Gibson signed May 17, 2007 detailing Accent Mover's employment of Mark Moreno |
| Exhibit 13 | Accent Movers' "Booked Search Report" for September 2006 |
| Exhibit 14 | Written memorandum of shipper Michelle Coogan dated February 11, 2009 |
| Exhibit 15 | Oral interview summary – Federal Program Manager Jeff Langloss |

WHEREFORE, Claimant respectfully requests judgment in its favor finding Respondent violated 49 C.F.R. § 392.9a(a) / 49 U.S.C. § 14901(d)(3) and imposing a civil penalty in the amount of \$25,000.

Respectfully submitted,
Attorneys for the Claimant

Date: May 29, 2009

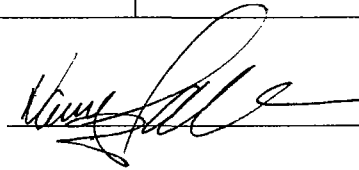
By: 
Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, Colorado 80215
303-407-2363
303-407-2339 (Fax)

the nonmoving party's case necessarily renders all other facts immaterial. *See Cleotex Corp. v. Catratt, supra.* at 323.

CERTIFICATE OF SERVICE

This is to certify that on the 29th of May 2009, the undersigned served, as specified, the designated number of copies of Claimant's Motion for Summary Judgment to each of the parties listed below:

The Honorable Richard C. Goodwin Administrative Law Judge Office of Hearings, M-20 U.S. Department of Transportation 1200 New Jersey Avenue, SE Room E12-320 Washington, DC 20590	Original and one copy Federal Express FedEx # 7966 4939 6545
John L. Gamboa Acuff Ganboa & White, L.L.P. Attorneys for Respondent 2501 Parkview Drive, Suite 405 Fort Worth, Texas 76102-5816	One Copy Federal Express FedEx # 7976 3681 6802
US DOT Dockets Docket Operations U.S. Department of Transportation 1200 New Jersey, SE West Building Ground Floor, Room W12-140 Washington, DC 20590-0001	One Copy Federal Express FedEx # 7966 4938 4449
Joanne A. Cisneros Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto Blvd. Austin, Texas 78701	One Copy Internal Mail
Nancy Jackson Office of Chief Counsel Federal Motor Carrier Safety Administration Western Service Center 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215	One Copy Internal Mail
Darrell L. Ruban Field Administrator c/o Paula Smith Federal Motor Carrier Safety Administration Southern Service Center 1800 Century Blvd Suite 1700 Atlanta, GA 30345	One Copy Federal Express FedEx # 7966 0998 7142



Attachment A

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Southern Service Center

1800 Century Blvd.
Suite 1700
Atlanta, GA 30345-3104

Phone: (404) 327-7400
Fax: (404) 327-7349

Certified/ Return Receipt Requested

August 31, 2007

Shane Gibson, President
Accent Movers, Inc.
2616 Weaver St.
Haltom City, TX 76117

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 392.9a(a) /14901(d)(3).

CIVIL PENALTY: \$25,000

Case Number: TX-2007-1354-US0739

US DOT Number: 703784

Dear Mr. Gibson:

A compliance review was conducted at Haltom City, Texas on May 17, 2007. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Accent Movers, Inc. for the amount of \$25,000.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Accent Movers, Inc. from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 392.9a(a) /14901(d)(3)- Failure to register or maintain registration as a household goods broker or motor carrier.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not operate a motor vehicle providing transportation unless and until you are registered pursuant to 49 U.S.C. 14901 or do not operate a motor vehicle providing transportation beyond the scope of registration.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the

Case Number: TX-2007-1354-US0739

commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the special investigation, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
392.9a(a) /14901(d)(3)	NR	1	\$25,000.00		\$25,000.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$25,000.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. **DO NOT** call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) **PAYMENT OF PENALTY:** Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 404-327-7400. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

Case Number: TX-2007-1354-US0739

selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd.
Suite 1700
Atlanta, GA 30345-3104

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) **REQUEST FOR ADMINISTRATIVE ADJUDICATION:** You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) **REQUEST FOR BINDING ARBITRATION:** If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

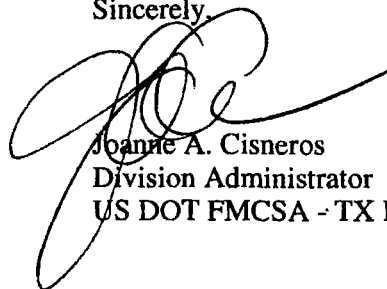
FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE EXACT MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,



Joanne A. Cisneros
Division Administrator
US DOT FMCSA - TX Division

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(A) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under subchapter III of chapter 311 (49 USC §§ 31131 et seq.)(except sections 31138 and 31139) or 49 USC §§ 31301 and 31306, or section 31502 of 49 USC, shall be liable for a civil penalty in an amount not to exceed \$11,000 for each offense. No civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,750 (49 USC § 521(b)(2)(A) and 68 Fed. Reg. 15381 (March 31, 2003)). Section 5123(a) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under chapter 51 shall be liable for a civil penalty in an amount not to exceed \$32,500 for each offense. (49 USC § 5123(a) and 68 Fed. Reg. 15381 (March 31, 2003)).

Section 521(b)(2)(B)(ii) of 49 USC provides for a maximum civil penalty of \$10,000 for anyone who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in a record about an operation or business fact or transaction, or knowingly makes, prepares or preserves a record in violation of a regulation or order of the Secretary, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation. (49 USC § 521(b)(2)(B)(ii); August 10, 2005).

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 392.9a(a) /14901(d)(3) - Failure to register or maintain registration as a household goods broker or motor carrier.

CHARGE #1:

On or about 09/11/2006, Accent Movers Inc. transported household goods in for-hire carriage from Sacramento, California to Springtown, Texas. At the time of this transportation, Accent Movers Inc. was not registered with the Federal Motor Carrier Safety Administration.

SERVICE LIST

This is to certify that on August 31, 2007, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Shane Gibson, President
Accent Movers, Inc.
2616 Weaver St.
Haltom City, TX 76117

Original
Certified/ Return Receipt Requested

Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Suite 101
Austin, TX 78701

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Southern Service Center
1800 Century Blvd.
Suite 1700
Atlanta, GA 30345-3104

One Copy
U.S. Mail or Electronic Mail

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
DaVina Farmer, FMCSA Staff Attorney
Southern Service Center
1800 Century Boulevard, Suite 1700
Atlanta, Georgia 30345-3104

One Copy
U.S. Mail or Electronic Mail

Sandra Bernal

Table 1
Violations Discovered During the Review

Number	Violation	Identifying Information Driver / Equipment / Commodity	Date of Violation
1	49 CFR §392.9a(a)/14901(d)(3)	Driver: Mark Moreno Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas	09/11/2006

USDOT: 703784
Accent Movers, Inc.
TX-2007-1354-US0739

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Shane Gibson, Accent Movers, Inc.
TX-2007-1354-US0739
2616 Weaver Street
Haltom City, TX 76117

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0220 0000 8812 1929

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Shane Gibson, Accent Movers, Inc.
TX-2007-1354-US0739
2616 Weaver Street
Haltom City, TX 76117



7007 0220 0000 8812 1929

Attachment B

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF GAMBOA & WHITE, L.L.P.

ATTORNEYS AT LAW
PARK PLAZA BUILDING
2501 PARKVIEW DRIVE, SUITE 405
FORT WORTH, TEXAS 76102-5816

817/885-8500

FAX
817/885-8504

September 25, 2007

Via Certified Mail Return Receipt Requested 7004 0750 0001 3586 1739

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
1800 Century Blvd., Suite 1700
Atlanta, Georgia 30345-3104

RE: In the Matter of Accent Movers, Inc.
Docket No. TX-2007-1354-us0739

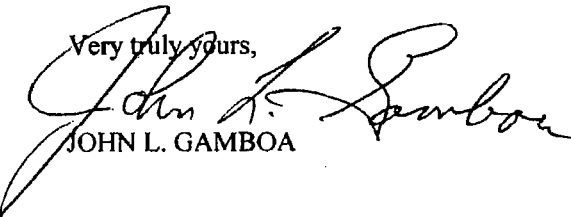
Dear Clerk:

Please find enclosed a Reply to Notice of Claim and Request for Hearing to be filed in reference to the above matter.

Should you have any questions, please advise.

Thank you and I respectfully remain

Very truly yours,


JOHN L. GAMBOA

JLG\ns
encls./ as indicated

cc: Joanne A. Cisneros - Via Certified Mail RRR# 7004 0750 0001 3586 1746
Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
w/enclosures

DaVina Farmer - Via Certified Mail RRR# 7004 0750 0001 3586 1753
U.S. Department of Transportation
FMCSA Staff Attorney
w/enclosures

Client w/ enclosures

BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

In the Matter of

ACCENT MOVERS, INC.

Respondent.

§
§
§
§
§
§
§
§
§

Docket No. TX-2007-1354-us0739

REPLY TO NOTICE OF CLAIM AND REQUEST FOR HEARING

NOW COMES, Accent Movers, Inc., Respondent, by and through its undersigned attorney, files this Reply to Notice of Claim and Request for Hearing in response to the Notice of Claim filed by the Division Administrator, Texas Division, Federal Motor Carrier Safety Administration (FMCSA), against Accent Movers, Inc. and respectfully shows the following:

I.

Background Facts

On or about August 31, 2007, a Notice of Claim was issued against Accent Movers, Inc. assessing a civil penalty in the amount of \$25,000 for one (1) violation of 49 CFR §392.9a(a)/14901 (d)(3). On or about September 11, 2006, Accent Movers, Inc. transported household goods in for-hire carriage from Sacramento, California to Springtown, Texas. At the time of this transportation, Accent Movers, Inc. Was not registered with the Federal Motor Carrier Safety Administration. Respondent denies such allegations of violation.

II.

As regards the Notice of Abatement contained in the Notice of Claim, as filed by the FMCSA, the Respondent agrees to the following actions: (1) not to operate a motor vehicle providing transportation unless and until Accent Movers, Inc. is registered pursuant to 49 U.S.C.. 14901 or not operate a motor vehicle providing transportation beyond the scope of registration.

III.

Accent Movers, Inc. was contacted prior to September 11, 2006 by Michelle Coogan to transport her

household goods from Sacramento, California to Springtown, Texas. Accent Movers, Inc. corporate offices are located in Haltom City, Texas. Accent Movers, Inc. was not engaged at the time in interstate commerce, but only intrastate commerce in Texas.

A Mark Moreno was the driver on this trip that is made the subject of this action. Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past. Accent Movers, Inc. did not broker the move, nor participated in the transportation of the shipment of this inquiry.

IV.

Argument

As is stated in 49 USC §521(B)(2)(d) and 5123 (3), the FMCSA must, before assessing a civil penalty, take into consideration the nature, circumstances, extent and gravity of the violations committed. The civil penalty assessment shall be calculated to induce further compliance.

The character of the individuals involved, the prior history of the individual's conduct and the fact that there was no harm to shipper should be taken into consideration in assessing any penalties in this matter.

The Respondent denies that the amount of \$25,000.00 should be assessed against the Respondent based on the violations charged, based on the Respondent's degree of culpability, the degree of harm to shippers and the ability to pay and the effect on the ability to do business.

As a civil penalty should be calculated to induce further compliance, the Respondent has agreed to abide by the subject Notice of Abatement and consequently, fairness requires a reduction of \$25,000.00 as requested as this amount will affect the Respondent's ability to do business and because of Respondent's inability to pay the fine as stated.

V.

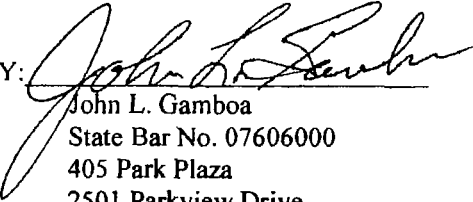
Respondent requests, pursuant to 49 CFR §386.14, a hearing on the record on all material of issues of fact in dispute.

WHEREFORE, the Respondent respectfully requests that its request for hearing be granted and that on final hearing, the penalty assessed be reduced accordingly and for such other and further relief to which Respondent may be shown justly entitled.

Respectfully submitted,

ACUFF GAMBOA & WHITE, L.L.P.

BY:


John L. Gamboa
State Bar No. 07606000
405 Park Plaza
2501 Parkview Drive
Fort Worth, TX 76102
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR THE RESPONDENT

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing instrument has been served on the following in accordance with the applicable rules on this the 25 day of September, 2007:

Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, Texas 78701
Certified Mail RRR

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
DaVina Farmer, FMCSA Staff Attorney
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

BY:


John L. Gamboa

Attachment C

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

b. A party may not issue a denial or fail to answer on the ground that it lacks knowledge unless it has made reasonable inquiry to ascertain information sufficient to allow admission or denial.

c. A party may file an objection to a request for admission within 10 days after service. Such motion shall be filed with the administrative law. An objection must explain in detail the reasons the party should not answer. A reply to the objection may be served by the party requesting the admission within 10 days after service of the objection. It is not sufficient ground for objection to claim that the matter about which an admission is requested presents an issue of fact for hearing.

Definitions

As used in these request for admissions, the following terms are to be interpreted in accordance with these definitions:

a. "You" "your" and "Respondent" as used herein refer to Accent Movers, Inc., the respondent in this proceeding and includes all employees, agents and representatives.

b. "Document" and "Documents" shall include, regardless of origin or location, all writings and records of any kind, drafts, copies or originals, including paper documents and electronic documents maintained on a local or a remotely located computer, the information stored in any electronic medium such as a hard drive, computer tape, solid state memory, flash drive, floppy discs, and all paper copies which are, or have been, within the possession, custody, or control of, or within the knowledge of, Respondent and/or its employees, agents, consultants, or experts. The descriptions of

documents, records, or papers specified in these interrogatories are for convenient reference and identification and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media.

c. "Person" "persons" "people" and "individual" means any natural person, group of natural persons, all federal, state, county, municipal and other governmental units, agencies or public bodies, as well as firms, companies, corporations, partnerships, proprietorships, joint ventures, organizations, groups of natural persons or other associations or entities separately identifiable whether or not such associations or entities have separate legal existence in their own right.

REQUESTS FOR ADMISSIONS

REQUEST NO. 1 – Admit that you did not have authority / registration from the United States Department of Transportation (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) as a broker and/or interstate motor carrier in August or September 2006.

REQUEST NO. 2 – Admit that you applied to the United States Department of Transportation for authority / registration (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) as an interstate motor carrier in 1997 and were granted a Certificate of Registration on or about December 24, 1997.

REQUEST NO. 3 – Admit that the United States Department of Transportation served on you a Notice of Investigation for Revocation of Authority on or about April 24, 1998.

REQUEST NO. 4 – Admit that your authority / registration (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) from the United States Department of Transportation as an interstate motor carrier was revoked on or about June 16, 1998 and has never been reinstated.

REQUEST NO. 5 – Admit that in 2006 you used owner/operators under lease agreements to transport household goods in interstate commerce.

REQUEST NO. 6 – Admit that Mark Moreno was your employee in September 2006.

REQUEST NO. 7 – Admit that the document attached and identified as Exhibit 1 to this Request for Admissions was written and signed by Shane Gibson on or about May 17, 2007.

REQUEST NO. 8 – Admit that the document attached and identified as Exhibit 2 to this Request for Admissions was reviewed and signed by Shane Gibson on or about May 17, 2007.

REQUEST NO. 9 – Admit that in 2006 and 2007 your website advertising stated that Accent Movers, Inc. is a moving company specializing in relocating offices, home, and apartments in the DFW area as well as all over the country.

REQUEST NO. 10 – Admit that the document attached and identified as Exhibit 3 to this Request for Admissions is a fair and accurate printout of the information from your website in July 2007.

REQUEST NO. 11 – Admit that on or about August 31, 2006 you provided a binding estimate to shipper Coogan for the transportation of household goods from California to Texas.

REQUEST NO. 12 – Admit that the document attached and identified as Exhibit 4 to this Request for Admissions is a fair and accurate printout of the binding estimate you made to shipper Coogan.

REQUEST NO. 13 – Admit that the document attached and identified as Exhibit 5 to this Request for Admissions subject line “Accent Movers Confirmation for move” is a fair and accurate printout of the email transmission of the binding estimate you made to shipper Coogan.

REQUEST NO. 14 – Admit that the documents attached and identified as Exhibit 6 to this Request for Admissions are fair and accurate printouts of the email communications between you and shipper Coogan on or about August 31, 2006.

REQUEST NO. 15 – Admit that the documents attached and identified as Exhibit 7 to this Request for Admissions are fair and accurate copies of your Household Goods Proposal and Contract of Moving Services for shipper Coogan.

REQUEST NO. 16 – Admit that the document attached and identified as Exhibit 8 to this Request for Admissions is a fair and accurate copy of the Motor Carrier Identification Report filed by you with the United States Department of Transportation, Federal Motor Carrier Safety Administration in March 2006.

Attorneys for the Claimant

Date: January 8, 2009

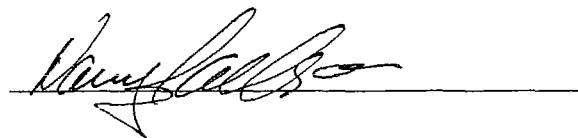
By: 

Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, Colorado 80215
303-407-2363
303-407-2339 (Fax)

CERTIFICATE OF SERVICE

This is to certify that on the 8th of January 2009, the undersigned served, as specified, the designated number of copies of Claimant's First Request for Admissions to each of the parties listed below:

John L. Gamboa Acuff Ganboa & White, L.L.P. Attorneys for Respondent 2501 Parkview Drive, Suite 405 Fort Worth, Texas 76102-5816	Original Federal Express FedEx # 7972 3114 8791
Joanne A. Cisneros Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto Blvd. Austin, Texas 78701	One Copy Internal Mail
Nancy Jackson Office of Chief Counsel Federal Motor Carrier Safety Administration Western Service Center 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215	One Copy Internal Mail
Darrell L. Ruban Field Administrator c/o Paula Smith Federal Motor Carrier Safety Administration Southern Service Center 1800 Century Blvd Suite 1700 Atlanta, GA 30345	One Copy Federal Express FedEx # 7972 3122 9424



mark mowen Employment 1-7-05

10

Black Ford F350

1-10-07

Accent mowen Inc
5-17-07



STANE GILSON

EXHIBIT

1

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

Location: Accent Movers office, Haltom City, Texas

Date: May 17, 2007

Carrier Name: Accent Movers Inc
2616 Weaver Street Haltom City, Texas 78045
Telephone: 817-834-5377

USDOT #: 703784

Interviewer Name: Mario Leal, FMCSA-Safety Investigator

Statement of: Shane Gibson, President

I, Shane Gibson, President for Accent Movers Inc. make the following voluntary statement to Mario Leal who has identified himself to me as a Safety Investigator of the United States Department of Transportation. No threats or promises have been made to me.

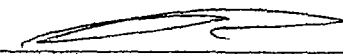
The carrier operates mainly as an intrastate household goods motor carrier. The company's motor carrier authority (MC# 703784) is inactive as of the date of the compliance review.

I understand that our company has been found to be in violation of various applicable Federal Motor Carrier Safety and Commercial regulations. I also understand that I Shane Gibson, President for Accent Movers Inc should have known of and ensured our company's compliance with all applicable regulations. It has been explained to me that enforcement action may result in the following discovered violation.

As of the date of the compliance review the Carrier engaged in one interstate movement of household goods without having the required authority for the type of commodity transported.

Number	Violation	Identifying Information Driver / Equipment / Commodity	Date of Violation
1	49 CFR §392.9a(a)/14901(d)(3)	Driver: Mark Moreno Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas	09/11/2006

I reviewed the above statement consisting of one (1) page. I declare under penalty of perjury that the foregoing is true and correct.


Statement by:
Shane Gibson, President

5-17-07
Date:


Witness by:
Mario Leal, Safety Investigator

5/17/2007
Date:

EXHIBIT

2

ACCENT MOVERS, INC.

SERVICES

LOCAL MOVES

INTERSTATE MOVES

MOVING TIPS

REQUEST AN ESTIMATE

CONTACT US

TX DOT# 000537473b
TxDOT. (800)299-1700

DALLAS: 972.264.7767 FT WORTH: 817.834.5377 FAX: 817.834.3698

"OUR BUSINESS IS MOVING"

APARTMENTS * HOMES * OFFICES

LOCAL AND LONG DISTANCE

Serving the Metroplex since 1989.

- | | |
|--|--|
| <ul style="list-style-type: none"> • FREE IN-HOME ESTIMATES • SAME DAY SERVICE • PIANOS MOVED • TRUCK LOADING AND/OR UNLOADING | <ul style="list-style-type: none"> • FULL SERVICE MOVING COMPANY • EXPERIENCED PROFESSIONAL PERSONNEL • SUPERIOR PACKING SERVICE • STORAGE AVAILABLE |
|--|--|

WE SELL PACKING SUPPLIES

FREE DISASSEMBLY/ASSEMBLY OF WASHERS*
DRYERS * STANDARD BEDS* * DRESSER * MIRRORS

Submit for a FREE estimate online!

Web Design by Moving Butler... Carports

EXHIBIT

3

ACCENT MOVERS, INC.

SERVICES

LOCAL MOVES

INTERSTATE MOVES

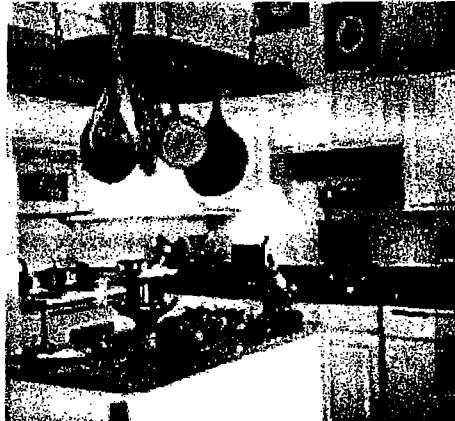
MOVING TIPS

REQUEST AN ESTIMATE

CONTACT US

DALLAS: 972.264.7767 FT WORTH: 817.834.5377 FAX: 817.834.3699

Services



Accent Movers, Inc. is a moving company specializing in relocating offices, home, and apartments in the DFW area as well as all over the country. Our moving contractors are professionals with at least two years of moving experience. Accent strives on repetitive quality customer satisfaction. We have been in business for over 12 years and are

locally owned and operated. Accent movers will provide you a one-on-one representative to accommodate your relocation needs and answer any question, as well as a crew leader on site to answer any questions. Please call anytime if we can assist you in any way.

Accent Movers, Inc. is able to completely furnish the following services upon request:

- Truck loading/unloading
- Box unpacking/packing
- Same day service (most cases)
- Hourly rates
- Crating
- Dissassembly/reassembly
- Single item moves
- Guaranteed quotes (w/list)
- Storage
- Inner office/house
- Hoisting

In addition to the standard household furnishings, we are able to move the following:

- automobiles (most cases)
- hot tubs
- marble/glass
- commercial equipment (most cases)
- medical equipment
- pianos
- pool tables
- arcade games
- shop tools (most cases)
- modular units
- safes
- big screen TV's
- vending machines
- electronics
- antiques

Customer Form Saved

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Current Customer Search Records: 5000
 Current Customer Booking Records: 3562



Accent Movers

Fort Worth: (817)834-5377
 2616 Weaver St. Fort Worth, Tx.
 76117

Dallas: (972)264-7
 Tx.DOT #
 000537473B

TxDOT - (800)299-1700
 Re: Residential Relocation
 Customer Identification Number (CID):f3161

Dear Mickey Coogan,

This quote is guaranteed based on your information shown below. For your convenience, we have summarized the details of your move.
 To ensure that your move goes as smoothly as possible, please review the following and reply if changes are needed.

RELOCATION INFORMATION (if provided by customer):

Here is the information you have provided:

first: mickey	last: coogan
home: 916-717-0262 cell	cell: 916-564-9564
OriginAddress: 2421 tab court	OriginCity: sacramento
OriginState: ca	OriginZip: 95825
FloorAtOrigin: ground	DestinationAddress: 613 n. avenue d
DestinationCity: springtown	DestinationState: tx
DestinationZip: 76082	FloorAtDestination: ground
EmailAddress: mailformickey@hotmail.com	salesperson: jolie
HideABed: 1	Chair: 2
EntertainmentCtr: 1	TVLess25: 1
TV25to32: 1	CurioCabinet: 1
QueenBed: 1	ChestOfDrawers: 5
PatioTable: 1	PatioChairs: 4
BirdBath: 2	ShelfUnit: 2

EXHIBIT

5/21/2007

4

ToolchestLarge: 1

BoxUnderFifty: 100

Other: 1-antq. stove , 2-patio rocking chairs, 1-concrete crain, 1-drill press, 1-saw, 1-parsons table w/2wicker stools
1691 miles \$1000.00 deposit

company: two

PRICING: JT

This proposal is for listed items and services only. Additional items and services may result in additional costs.

Based on the items listed, if paid by Master Card or VISA, the total quote is: **\$5000.00**

- If paid by cash, money order, or bank cashier's check, the additional discount is: 10%(move cost only)

IF PAID BY CASH, MONEY ORDER, or CASHIER'S CHECK, THE GUARANTEED LOWEST COST IS : \$4500.00

Your movers are scheduled to arrive between 8am - 10am on 9/8/2006.

This quote includes the following:

- EXCLUSIVE PICK UP & DELIVERY
- DISASSEMBLY & REASSEMBLY OF STANDARD FURNITURE
- LOADING & UNLOADING
- EXPERIENCED, PROFESSIONAL & COURTEOUS MOVERS
- WE ATTEMPT TO CONTACT YOU WHEN WE'RE IN ROUTE TO YOU
- ADDITIONAL ITEMS ARE THE SAME PRICE ON MOVE DAY AS WHEN YOU BOOK YOUR MOVE!
- SAME REASONABLE RATES 7 DAYS A WEEK

Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same.

REMARKS:

- If a guaranteed quote is not shown above, then a list of items was not provided. In order for **Accent Movers** to provide a guaranteed quote, an itemized list must be available.
- We do ask that payment be made upon arrival at the destination address.
- As required by Tx.DOT, a household goods carrier's liability for loss or damage to cargo is limited to .60 cents per pound per article unless the household goods carrier and shipper agree, in writing, to a higher limit of carrier liability. Such higher limit may be purchased at an additional cost and will be noted and signed for on the contract. This liability of cargo is quite often referenced by moving companies as **"Bonded and Insured"**
- We do offer competitive pricing and will make every effort to meet or beat any licensed and registered mover's quote.
- We are registered with the Better Business Bureau.

We would like to take this opportunity to thank you for considering **Accent Movers**. We value your business and hope to hear from you soon.

Sincerely yours,

5/21/2007

Jolie Tanigawa

Jolie Tanigawa ,
Relocation Consultant

Email Customer: mailformickey@hotmail.com

Estimated weight of shipment: 6123

Stair charge assesed: 1.01

From:Address: 2421 tab court City: sacramento State: ca Zip: 95825

TO: Address: 613 n. avenue d City: springtown State: tx Zip: 76082

[Get Directions](#)

Intrastate

Mileage:
Weight: 6123
Percent: 85
[Get Price](#)

Interstate

Mileage:
Weight: 6123
Percent: 40
[Get Price](#)

[check the weather nationwide with MSN Search: Try it now!](#)

[Windows Live Spaces is here! It's easy to create your own personal Web site.](#)

[like the way Microsoft Office Outlook works? You'll love Windows Live Hotmail.](#)

Leal, Mario <FMCSA>

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:28 PM
To: Leal, Mario <FMCSA>
Subject: FW: Updated Quote for Moving

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: "ml c" <mailformickey@hotmail.com>
 Subject: Updated Quote for Moving
 Date: Thu, 31 Aug 2006 10:51:54 -0500

Customer Form Saved

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Current Customer Search Records: 5000
Current Customer Booking Records: 3563



Accent Movers

Fort Worth: (817)834-5377
2616 Weaver St. Fort Worth, Tx.
76117

Dallas: (972)264-7767
Tx.DOT #
000537473B

TxDOT - (800)299-1700
 Re: Residential Relocation
Customer Identification Number (CID):f3161

Dear Mickey Coogan,

This quote is guaranteed based on your information shown below. For your convenience, we have summarized the details of your move. To ensure that your move goes as smoothly as possible, please review the following and reply if changes are needed.

RELOCATION INFORMATION (if provided by customer):

Here is the information you have provided:

first: mickey	last: coogan
home: 916-717-0262 cell	cell: 916-564-9564

5/21/2007

EXHIBIT

5

OriginAddress: 2421 tab court	OriginCity: sacramento
OriginState: ca	OriginZip: 95825
FloorAtOrigin: ground	DestinationAddress: 613 n. avenue d
DestinationCity: springtown	DestinationState: tx
DestinationZip: 76082	FloorAtDestination: ground
EmailAddress: mailformickey@hotmail.com	salesperson: jolie
HideABed: 1	Chair: 2
CoffeeTable: 1	EndTable: 2
EntertainmentCtr: 1	TVLess25: 1
TV25to32: 1	AreaRug: 2
GlassTop: 3	CurioCabinet: 1
QueenBed: 1	ChestOfDrawers: 5
PatioTable: 1	PatioChairs: 4
BirdBath: 2	ShelfUnit: 4
ToolchestLarge: 1	BoxUnderFifty: 175
Other: 1-antq. stove , 2-patio rocking chairs, 1-concrete crain, 1-drill press, 1-saw, 1-parsons table w/2wicker stools, 2-ch. lounge, 3-foldup chairs, 1-patio glider w/chairs & table, 4-antq. wooden wagon wheels, 1-wash tub 1691 miles \$1000.00 deposit	company: two

PRICING: JT

This proposal is for listed items and services only. Additional items and services may result in additional costs.

Based on the items listed, if paid by Master Card or VISA, the total quote is: **\$5555.00**

- If paid by cash, money order, or bank cashier's check, the additional discount is: **10%**(move cost only)

IF PAID BY CASH, MONEY ORDER, or CASHIER'S CHECK, THE GUARANTEED LOWEST COST IS : \$5000.00

Your movers are scheduled to arrive between 8am - 10am on 9/8/2006.

This quote includes the following:

- EXCLUSIVE PICK UP & DELIVERY
- DISASSEMBLY & REASSEMBLY OF STANDARD FURNITURE
- LOADING & UNLOADING
- EXPERIENCED, PROFESSIONAL & COURTEOUS MOVERS
- WE ATTEMPT TO CONTACT YOU WHEN WE'RE IN ROUTE TO YOU
- ADDITIONAL ITEMS ARE THE SAME PRICE ON MOVE DAY AS WHEN YOU BOOK YOUR MOVE!

- SAME REASONABLE RATES 7 DAYS A WEEK

Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same.

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- As required by Tx.DOT, a household goods carrier's liability for loss or damage to cargo is limited to .60 cents per pound per article unless the household goods carrier and shipper agree, in writing, to a higher limit of carrier liability. Such higher limit may be purchased at an additional cost and will be noted and signed for on the contract. This liability of cargo is quite often referenced by moving companies as **"Bonded and Insured"**
- We do offer competitive pricing and will make every effort to meet or beat any licensed and registered mover's quote.
- We are registered with the Better Business Bureau.

We would like to take this opportunity to thank you for considering **Accent Movers**. We value your business and hope to hear from you soon.

Sincerely yours,

Jolie Tanigawa

Jolie Tanigawa ,
Relocation Consultant

Email Customer: mailformickey@hotmail.com

Estimated weight of shipment: 9054.5

Stair charge assesed: 1.01

From: Address: City: State: Zip:
 TO: Address: City: State: Zip:

Intrastate

Mileage:

Weight:

Percent:

Interstate

Mileage:

Weight:

Percent:

More photos, more messages, more storage—get 2GB with Windows Live Hotmail.

Leal, Mario <FMCSA>

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:24 PM
To: Leal, Mario <FMCSA>
Subject: FW: Re: Accent Movers Confirmation for move

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: "ml c" <mailformickey@hotmail.com>
 Subject: Re: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 10:52:43 -0500

I just checked with Shane and your total will be \$5000.00. Let me know if you have any questions.

----- Original Message -----

From: ml c
To: melissa@accentmovers.com
Sent: Thursday, August 31, 2006 10:31 AM
Subject: Re: Accent Movers Confirmation for move

I forgot about my x-mas stuff, and some bins in the garage. make the boxes total 175 to be safe. What do we do if i guess over?

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: "ml c" <mailformickey@hotmail.com>
 Subject: Re: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 10:07:15 -0500

Mickey,

Let me know what we need to add to the list and I'll let you know the cost. It shouldn't be that much because your main cost is the mileage and you've already been charged on that.

----- Original Message -----

From: ml c
To: melissa@accentmovers.com
Sent: Thursday, August 31, 2006 10:03 AM
Subject: RE: Accent Movers Confirmation for move

Hi Jolie,

There are many items not listed both that i mentioned to you in conversation and that i didn't recall when we talked. i know there will be room for them but my concern is not knowing the cost. How much more will overages cost me?

Thank You, Mickey

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: <mailformickey@hotmail.com>
 Subject: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 09:39:47 -0500

EXHIBIT

5/21/2007

60

HOUSEHOLD-GOODS PROPOSAL AND CONTRACT OF MOVING SERVICES

(1) SECTION 1 - GENERAL PROVISIONS

- (A) For the purposes of this subsection, the following terms will mean:
- (i) Household good carrier-the motor carrier/hawer contracted to transport a shipment of household goods.
 - (ii) Shipper-the owner of the household goods shipment or his representative.
- (B) Changes to the moving service contract are not valid unless agreed to in writing by the household goods carrier and the shipper.
- (C) Household goods carriers will transport shipments with reasonable dispatch. Reasonable dispatch requires the transportation of a shipment within the agreed period of time shown on the moving services contract, except when circumstances beyond the carrier's control, force majeure, prevent or delay transportation.
- (D) Moving services contracts must comply with all other applicable laws of the State of Texas.

SECTION 2 - CARGO LIABILITY PROVISIONS

- (C) The household goods carrier is not liable for loss or damage caused by dangerous or explosive goods unless the shipper notifies the carrier, in writing, of the nature of the goods and the carrier agrees, in writing, to the transportation of these goods.

(3) SECTION 3 - CLAIM PROVISIONS

- (A) A written claim must be filed by the shipper within 90 days of delivery of the shipment to the final destination. In case of failure to make delivery, then a written claim must be filed by the shipper within 90 days after a reasonable time for delivery has elapsed.
- (B) A household goods carrier is not liable for any claim that is not filed within 90 days of the delivery of the shipment to the final destination. A household goods carrier is not liable for any claim that is not filed within 90 days after a reasonable time for delivery has elapsed for shipments that were not delivered.

(4) **SECTION 4 - PAYMENT PROVISIONS.** The shipper must pay the freight charges upon delivery unless the shipper and household goods carrier agree otherwise.

(5) **SECTION 5 - PROVISIONS FOR SHIPMENTS NOT DELIVERED.**

- (A) A household goods carrier may place a shipment of household goods into storage if the shipper is not available for delivery of the goods as scheduled.
- (B) The cost of such storage is the responsibility of the shipper or the household goods.
- (C) A shipment of household goods placed in storage is subject to liens for storage, freight, and other lawful charges.
- (D) A household goods carrier must issue written notice of the storage of the household goods to the shipper at each address shown on the moving services contract within three days of placing the goods in storage.
- (E) If the shipper refuses to accept or does not claim the household goods within 15 days of the written notice of storage, the household goods carrier may begin the process of selling the goods at public sale, as prescribed in Transportation Code, Chapter 6.
- (F) A household goods carrier must give written notice of the public sale to the shipper at each address shown on the moving services contract.
- (G) The moving services contract does not prohibit the sale of the goods under any other lawful manner in the method set out in the contract cannot be reasonably accomplished.

MOVING GUIDELINES

1. It is understood by both parties that the move is to be performed at the direction and supervision of the customer.
2. It is company policy that any article that cannot be moved safely by two people will be excluded from the list.
3. All boxes to be moved will be taped and sealed top and bottom.
4. Customer must remove all valuables from furniture and boxes and also any loose pieces from furniture that could be lost.
5. Washing machine and refrigerator water connections are the fiscal responsibility of the customer.
6. If flooring protection is needed, it will be the responsibility of the customer to provide such protective covering.
7. It is understood that the mechanical conditions of electronics and boxed contents are unknown.

Type of Proposal: Binding ☐ ; Not to Exceed ☐

CARRIERS LIABILITY: A household good carrier's liability for loss or damage to any shipment is 60¢ per pound per article unless the carrier shipper agrees, in writing, to a greater level of liability. This proposal is for the listed items and services only. Additional items and services may result in additional cost. Additional services may result in charge not accounted for on a proposal.

This is a contract for moving services and is subject to the terms and conditions on the front and back of this document and any addendums.

I have read, understand, and agree to the terms of the above: Customer Signature _____

Driver Signature

Customer Name _____	<input type="checkbox"/> Called 800 Number Office	<input type="checkbox"/> Called _____	Move Price <u>5.000 / 1000 down</u>
Current Phone _____			Time _____ Date _____
Cell _____	Total _____		Start Time _____ Stop Time _____
Bus. Phone _____	Payment may be made in the form of: Cash <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/>		I agree to accept this proposal with an hourly rate quote and do not require an estimated number of hours to complete this proposal.
I agree to the contract and guidelines above. Transportation charges are due prior to unloading.	Card # _____		Customer Signature <u>X</u> _____
Customer Signature <u>X</u> _____	Exp. Date _____ Auth. # _____		
	DL # _____		

QTY.	LIVING ROOM	BED ROOM	BOXES, ONE PERSON CARRY
___	3 CUSHION SOFA	___ BED: WATER, DAY, BUNK, BRIDGE	___ BOXES, TWO PERSONS CARRY
___	2 CUSHION SOFA	___ WE DISASSEMBLE: <u>YES</u> <u>NO</u>	___ SEWING MACHINE
___	PUF BED	___ BED: KING SIZE	___ IRONING BOARD / VACUUM CLEANER
___	RUFON	___ BED: SINGLE, DOUBLE, QUEEN SIZE	___ PLANTS / PLANT STAND
___	TABLE: COFFEE, SOFA, END	___ NIGHT STAND	___ AQUARIUM <u> </u> GAL.
___	OVERSTUFFED CHR., ARM OR RECLINER	___ MIRROR	___ PIANO, ORGAN
___	BIG SCREEN T.V. <u> </u> INCH	___ DRESSER, CHEST OF DRAWERS	___ GARDEN EQUIPMENT / TOOLS
___	ENTERTAINMENT CENTER	___ ARMOIRE	___ LAWN MOWER, FERTILIZER SPREADER
___	PORTABLE T.V. <u> </u> T.V. STAND	___ VANITY DRESSER	___ PATIO TABLE
___	STEREO / V.C.R. / COMP. COMPONENTS	___ FOOT LOCKER, CEDAR CHEST, TRUNK	___ PATIO CHAIRS
___	BOOKCASE OR WALL UNIT	___ CLOTHES (MEASURED IN LINEAR FEET)	___ WORK BENCH
___	FOOT STOOL OR OTTOMAN	___ NURSERY ITEMS: CRIB, CHANGING TAB.	___ EXERCISE EQUIPMENT
___	LAMPS / PICTURES	___ WE DISASSEMBLE: <u>YES</u> <u>NO</u>	___ TREADMILL, STEPPER, BIKE
___	AREA RUG	___ DINING ROOM	___ WEIGHT BENCH <u> </u> LBS.
___	OFFICE	___ CHINA CABINET	___ TOOL CHEST
___	DESK: OFFICE, SEC., EXE., ROLL TOP	___ BUFFET	___ SHELF UNIT (METAL, ETC.)
___	DESK: WRITING, RETURN	___ DINING TABLE	
___	DESK CHAIR	___ BAR STOOL OR DINING CHAIR	
___	FILE CAB.: 2-DRAWER	___ CURIO CABINET / BAKER'S RACK / ETAGERE	
___	FILE CAB.: 4-DRAWER	___ KITCHEN	
___	FILE CAB.: 2-DWR. - LAT.	___ REFRIGERATOR OR FREEZER	
___	FILE CAB.: 4-DWR. - LAT.	___ WASHBR / DRYER	
___	TABLE: FOLDING <u> </u> FT.	___ MICROWAVE OVEN / STAND	
___	TABLE: CONF. <u> </u> FT.	___ MISCELLANEOUS	
___	STORAGE CAB., 2-DOOR	___ BAR-B-QUE GRILL	
___	CHURCH	___ BICYCLE	

BOOY MIXED
 Antique copper
 FILE

EXH

EXHIBIT

7

May. 18. 2007 9:43AM

No. 6472 P. 2

SECTION 3 - PROVISIONS FOR STORAGE AND DELIVERY.

- (A) A household goods carrier may place a shipment of household goods into storage if the shipper is not available for delivery of the goods as scheduled.
- (B) The cost of such storage is the responsibility of the shipper of the household goods.
- (C) A shipment of household goods placed in storage is subject to fees for storage, freight, and other lawful charges.
- (D) A household goods carrier must issue written notice of the storage of the household goods to the shipper at each address shown on the moving services contract within three days of placing the goods in storage.
- (E) If the shipper refuses to accept or does not claim the household goods within 15 days of the written notice of storage, the household goods carrier may begin the process of selling the goods at public sale, as prescribed in Transportation Code, Chapter 6.
- (F) A household goods carrier must give written notice of the public sale to the shipper at each address shown on the moving services contract.
- (G) The moving services contract does not prohibit the sale of the goods under any other lawful manner if the method set out in the contract cannot be reasonably accomplished.

MOVING GUIDELINES

1. It is understood by both parties that the move is to be performed at the direction and supervision of the customer.
2. It is company policy that any article that cannot be moved safely by two people will be excluded from the list.
3. All boxes to be moved will be taped and sealed top and bottom.
4. Customer must remove all valuables from furniture and boxes and also any loose pieces from furniture that could be lost.
5. Washing machine and refrigerator water connections are the final responsibility of the customer.
6. If flooring protection is needed, it will be the responsibility of the customer to provide such protective covering.
7. It is understood that the mechanical conditions of electronics and boxed contents are unknown.

Type of Proposal: Binding ☐ Not to Exceed ☐

CARRIER'S LIABILITY: A household goods carrier's liability for loss or damage to any shipment is \$04 per pound per article unless the carrier shipper agree, in writing, to a greater level of liability. This proposal is for the listed items and services only. Additional items and services may result in additional cost. Additional services may result in charge not accounted for on a proposal.

This is a contract for moving services and is subject to the terms and conditions on the front and back of this document and any addendums.

I have read, understand, and agree to the terms of the above: Customer Signature X

Driver Signature X

Customer Name: [Signature]
 Current Phone: [Signature]
 Cell: [Signature] Pager: [Signature]
 Bus. Phone: [Signature]

I agree to the contract and guidelines above. Transportation charges are due prior to unloading.

Customer Signature X

☒ Called 800 Number ☐ Called Office
 Total: [Signature]
 Payment may be made in the form of:
☐ Cash ☐ Money Order ☐ Credit Card ☐
 Card #: [Signature]
 Exp. Date: [Signature] Auth. #: [Signature]
 DL #: [Signature]

Move Price: \$5000. 1,000 down
 Time: [Signature] Date: [Signature]
 Start Time: [Signature] Stop Time: [Signature]

I agree to accept this proposal with an hourly rate quote and do not require an estimated number of hours to complete this proposal.

Customer Signature X

QTY. LIVING ROOM
 3-CUSHION SOFA
 2-CUSHION SOFA
 HIDE-A-BED
 FUTON
 TABLE: COFFEE, SOFA- END
 OVERSTUFFED CHL. ARM OR RECLINER
 BIG SCREEN T.V. INCH
 ENTERTAINMENT CENTER
 PORTABLE T.V. T.V. STAND
 STEREO / V.C.R. / COMP. COMPONENTS
 BOOKCASE OR WALL UNIT
 FOOT STOOL OR OTTOMAN
 LAMPS / PICTURES
 AREA RUG
OFFICE
 DESK: OFFICE, SEC., EXE., ROLL TOP
 DESK: WRITING, RETURN
 DESK CHAIR
 FILE CAB.: 2-DRAWER
 FILE CAB.: 4-DRAWER
 FILE CAB.: 2-DWR.- LAT.
 FILE CAB.: 4-DWR.- LAT.
 TABLE: FOLDING FT.
 TABLE: CONF. FT.
 STORAGE CAB., 2-DOOR
 CREDENZA

BED ROOM
 BED: WATER, DAY, BUNK, BRIDGE
 WE DISASSEMBLE: YES NO
 BED: KING SIZE
 BED: SINGLE, DOUBLE, QUEEN SIZE
 NIGHT STAND
 MIRROR
 DRESSER, CHEST OF DRAWERS
 ARMOIRE
 VANITY DRESSER
 FOOT LOCKER, CEDAR CHEST, TRUNK
 CLOTHES (MEASURED IN LINEAR FEET)
 NURSERY ITEMS: CRIB, CHANGING TAB.
 WE DISASSEMBLE: YES NO
DINING ROOM
 CHINA CABINET
 BUFFET
 DINING TABLE
 BAR STOOL OR DINING CHAIR
 CURIO CABINET / BAKER'S RACK / ETAGERE
KITCHEN
 REFRIGERATOR OR FREEZER
 WASHER / DRYER
 MICROWAVE OVEN / STAND
MISCELLANEOUS
 BAR-B-QUE GRILL
 BICYCLE

BOXES, ONE PERSON CARRY
 BOXES, TWO PERSONS CARRY
 SEWING MACHINE
 IRONING BOARD / VACUUM CLEANER
 PLANTS / PLANT STAND
 AQUARIUM GAL.
 PIANO, ORGAN
 GARDEN EQUIPMENT / TOOLS
 LAWN MOWER, FERTILIZER, SPREADER
 PATIO TABLE
 PATIO CHAIRS
 WORK BENCH
 EXERCISE EQUIPMENT
 TREADMILL, STEPPER, BIKE
 WEIGHT BENCH LBS.
 TOOL CHEST
 SHELF UNIT (METAL, ETC.)
[Signature]
[Signature]

Any damages occurring on this move should be noted on this contract.

SUB TOTAL 4000 Bal TIPS/MISC. 0 TOTAL 4000 CC Customer Signature X Driver Signature X

This is the maximum shipper will be required to pay for the listed services \$

CURRENT ADDRESS	2ND STOP	NEW ADDRESS
Street: <u>3421 TAPB COURT</u>	Street: <u>[Signature]</u>	Street: <u>613 N AVE D</u>
Apt. #: <u>75825</u> Apt. Name: <u>[Signature]</u>	Apt. #: <u>[Signature]</u> Apt. Name: <u>[Signature]</u>	Apt. #: <u>[Signature]</u> Apt. Name: <u>[Signature]</u>
Zip Code: <u>95825</u> State: <u>CA</u> Long Walk: <input type="checkbox"/> Yes <input type="checkbox"/> No	Zip Code: <u>[Signature]</u> State: <u>[Signature]</u> Long Walk: <input type="checkbox"/> Yes <input type="checkbox"/> No	Zip Code: <u>76082</u> State: <u>TX</u> Long Walk: <input type="checkbox"/> Yes <input type="checkbox"/> No
Main Intersection: <u>Sacramento CA</u>	Main Intersection: <u>[Signature]</u>	Main Intersection: <u>Springtown TX</u>

DMC/4-12-06 @mc/4-13-06/UPD.

Reference # 703784-12-22511-20060301

OMB No. 2128-0013

 U.S. Department of Transportation Federal Motor Carrier Safety Administration	<h2 style="margin: 0;">MOTOR CARRIER IDENTIFICATION REPORT</h2> <p style="margin: 0;">(Application for U.S. DOT Number)</p>
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REASON FOR FILING (Check Only One)

☐ NEW APPLICATION
 ☐ BIENNIAL UPDATE OR CHANGES
 ☐ OUT OF BUSINESS NOTIFICATION
 ☒ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER ACCENT MOVERS INC			2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME 703 81, 700		
3. PRINCIPAL STREET ADDRESS/ROUTE NUMBER 2616 WEAVER STREET		4. CITY HALTOM CITY	5. MAILING ADDRESS (P O BOX) 2616 WEAVER STREET		6. MAILING CITY HALTOM CITY
7. STATE/PROVINCE TX	8. ZIP CODE+4 76117	9. COLONIA (MEXICO ONLY)	10. STATE/PROVINCE TX	11. ZIP CODE+4 76117	12. COLONIA (MEXICO ONLY)
13. PRINCIPAL BUSINESS PHONE NUMBER (817) 834-5377		14. PRINCIPAL CONTACT CELLULAR PHONE NUMBER		15. PRINCIPAL BUSINESS FAX NUMBER (817) 834-7699	
16. USDOT NO. 703784	17. MC OR MX NO 325452	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# 75-2317010 SSN#		20. INTERNET E-MAIL ADDRESS

21. COMPANY OPERATION (Circle all that apply)

☒ Interstate Carrier
 B. Intrastate Hazmat Carrier
 C. Intrastate Non-Hazmat Carrier
 D. Interstate Shipper
 E. Intrastate Shipper
 F. Vehicle Registrant Only

22. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR

0 0

23. OPERATION CLASSIFICATION (Circle All that Apply)

☒ Authorized For-Hire
 D. Private Passengers (Business)
 G. U.S. Mail
 J. Local Government
☐ Exempt For-Hire
 E. Private Passengers (Non-Business)
 H. Federal Government
 K. Indian Tribe
☐ Private Property
 F. Migrant
 L. State Government
 L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)

A. GENERAL FREIGHT	F. LOGS, POLES	J. FRESH PRODUCE	P. GRAIN, FEED, HAY	V. COMMODITIES DRY BULK
<input checked="" type="checkbox"/> HOUSEHOLD GOODS	BEAMS, LUMBER	K. LIQUIDS/GASES	Q. COAL/COKE	W. REFRIGERATED FOOD
C. METAL SHEETS, COILS, ROLLS	G. BUILDING MATERIALS	L. INTERMODAL CONT.	R. MEAT	X. BEVERAGES
D. MOTOR VEHICLES	H. MOBILE HOMES	M. PASSENGERS	S. GARBAGE, REFUSE, TRASH	Y. PAPER PRODUCTS
E. DRIVE AWAY/TOWAWAY	I. MACHINERY	N. OIL FIELD EQUIPMENT	T. U.S. MAIL	Z. UTILITY
	J. LARGE OBJECTS	O. LIVESTOCK	U. CHEMICALS	AA. FARM SUPPLIES
				BB. CONSTRUCTION
				CC. WATER WELL
				DD. OTHER

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C - CARRIED S - SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGES

C S A. DIV 1.1	B NB C S K. DIV 2.2A (AMMONIA)	B NB C S U. DIV 4.2	B NB C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB C S L. DIV 2.3A	B NB C S V. DIV 4.3	B NB C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB C S M. DIV 2.3B	B NB C S W. DIV 5.1	B NB C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB C S N. DIV 2.3C	B NB C S X. DIV 5.2	B NB C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB C S O. DIV 2.3D	B NB C S Y. DIV 6.2	B NB C S II. CLASS 9	B NB
C S F. DIV 1.8	B NB C S P. CLASS 3	B NB C S Z. DIV 6.1A	B NB C S JJ. ELEVATED TEMP MAT	B NB
C S G. DIV 2.1	B NB C S Q. CLASS 3A	B NB C S AA. DIV 6.1B	B NB C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB C S R. CLASS 3B	B NB C S BB. DIV 6.1 Poison	B NB C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (METHANE)	B NB C S S. COMB LIQ	B NB C S CC. DIV 6.1 SOLID	B NB C S MM. HAZARDOUS SUB(RQ)	B NB
C S J. DIV 2.2	B NB C S T. DIV 4.1	B NB C S DD. CLASS 7	B NB C S NN. HAZARDOUS WASTE	B NB
			B NB C S OO. ORM	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	HazMat Cargo Tank Trucks	HazMat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus	Van		Limousine		
							Number of vehicles carrying number of passengers (including the driver) below								
	1-8	9-15	16+	1-8	9-15	16+	1-8	9-15	16+	1-8	9-15	1-8	9-15	16+	
OWNED	1		20												
TERM LEASED															
TRIP LEASED															

27. DRIVER INFORMATION		INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
Within 100-Mile Radius				1	
Beyond 100-Mile Radius					

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes: ____ No: ____

If Yes, enter your U.S. DOT Number: _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S) OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. **SHANE GIBSON** 2. _____

(Please Print Name) (Please Print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, _____, certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or the Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct and complete.

(Please print Name)

Signature

Date

3-21-06

Title

President

Attachment D

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF & GAMBOA, L.L.P.

2501 Parkview Drive, Suite 405

Fort Worth, Texas 76102-5816

Phone: (817) 885-8500

Fax: (817) 885-8504

DATE: January 23, 2009

TO: Nancy Jackson

VIA FAX: 303-407-2339

FROM: John L. Gamboa

RE: No. FMCSA-2007-0089

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

NUMBER OF PAGES INCLUDING COVER PAGE: 7

SPECIAL MESSAGE:

Enclosed you will please find a file-marked copy of the Defendant's Original Answer with regard to the above matter. Should you have any questions or concerns please advise the office.

☐ Original will follow via:

☒ Original will not follow

☐ Regular Mail

☐ Overnight Delivery

☐ Hand Delivery

☐ Certified Mail RRR

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to ACUFF & GAMBOA, LLP that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying, distribution or taking of any action in reliance on, or with respect to, the contents of this telecopier information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified as the sending person by telephone at the number set forth above to arrange for return of the original documents to us.

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of

ACCENT MOVERS, INC.

Respondent.

§
§
§
§
§
§
§
§

Docket No. FMCSA-2007-0089
(Federal Motor Carrier Safety Administration)

RESPONDENT'S ANSWER'S TO FIRST REQUEST FOR ADMISSIONS

TO: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FROM: ACCENT MOVERS, INC.

REQUEST NO. 1 - Admit that you did not have authority/registration from the United States Department of Transportation (as those terms are defined and used in 49 U.S.C. §§ 13901 et. Seq. And 49 C.F.R. §§ 390.5 and 392.9a(a) as a broker and/or interstate motor carrier in August or September 2006.

1. **RESPONSE:** Admit.

REQUEST NO. 2 - Admit that you applied to the United States Department of Transportation for authority / registration (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. And 49 C.F.R. §§ 390.5 and 392.9a(s)) as an interstate motor carrier in 1997 and were granted a Certificate

of Registration on or about December 24, 1997.

2. **RESPONSE:** Admit.

REQUEST NO. 3 - Admit that the United State Department of Transportation served on you a Notice of Investigation for Revocation of Authority on or about April 24, 1998.

3. **RESPONSE:** Respondent has made a diligent search for the notice, but can not find same, consequently can not admit nor deny.

REQUEST NO. 4 - Admit that your authority / registration (as those terms are defined and used in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) from the United States Department of Transportation as an interstate motor carrier was revoked on or about June 16, 1998 and has never been reinstate.

4. **RESPONSE:** Admit.

REQUEST NO. 5 - Admit that in 2006 you used owner/operators under lease agreements to transport household good in interstate commerce.

5. **RESPONSE:** Deny.

REQUEST NO. 6 - Admit that Mark Moreno was your employee in September 2006.

6. **RESPONSE:** Deny

REQUEST NO. 7 - Admit that the document attached and identified as Exhibit 1 to this Request for Admissions was written and signed by Shane Gibson on or about May 17, 2007.

7. **RESPONSE:** Admitted as to the personal truth of Shane Gibson.

REQUEST NO. 8 - Admit that the document attached and identified as Exhibit 2 to this Request for Admissions was reviewed and signed by Shane Gibson on or about May 17, 2007.

8. **RESPONSE:** Admitted signed but not reviewed.

REQUEST NO. 9 - Admit that in 2006 and 2007 your website advertising stated that Accent Motors, Inc. is a moving company specializing in relocation offices, home, and apartments in the DFW area as well as all over the country.

9. **RESPONSE:** Deny.

REQUEST NO. 10 - Admit that the document attached and identified as Exhibit 3 to this Request for Admissions is a fair and accurate printout of the information from your website in July 2007.

10. **RESPONSE:** Admitted, but old website should have been changed to eliminate interstate reference.

REQUEST NO. 11 - Admit that on or about August 31, 2006 you provided a binding estimate to shipper Coogan for the transportation of household goods from California to Texas.

11. **RESPONSE:** Deny.

REQUEST NO. 12 - Admit that the document attached and identified as Exhibit 4 to this Request for Admissions is a fair and accurate printout of the binding estimate you made to shipper Coogan.

12. **RESPONSE:** Deny.

REQUEST NO. 13 - Admit that the document attached and identified as Exhibit 5 to this Request for Admissions subject line "Accent Mover Confirmation for move" is a fair and accurate printout of the email transmission of the binding estimate you made to shipper Coogan.

13. **RESPONSE:** Deny.

REQUEST NO. 14 - Admit that the documents attached and identified as Exhibit 6 to this Request for Admissions are fair and accurate printouts of the email communications between you and shipper Coogan on or about August 31, 2006.

14. **RESPONSE:** Admit.

REQUEST NO. 15 - Admit that the documents attached and identified as Exhibit 7 to this Request for Admissions are fair and accurate copies of your Household Goods Proposal and Contract of Moving Services for shipper Coogan.

15. **RESPONSE:** Admit.

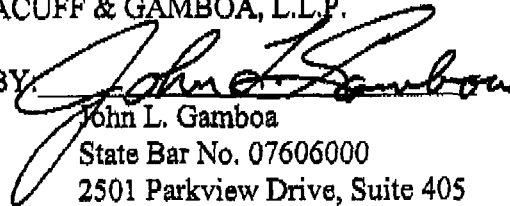
REQUEST NO. 16 - Admit that the document attached and identified as Exhibit 8 to this Request for Admissions is a fair and accurate copy of the Motor Carrier Identification Report filed by you with the United States Department of Transportation, Federal Motor Carrier Safety Administration in March 2006.

16. **RESPONSE:** Admit.

Respectfully submitted,

ACUFF & GAMBOA, L.L.P.

BY.

A handwritten signature in black ink, appearing to read "John L. Gamboa", is written over the printed name and address.

John L. Gamboa

State Bar No. 07606000

2501 Parkview Drive, Suite 405

Fort Worth, TX 76102

(817) 885-8500

FAX (817) 885-8504

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

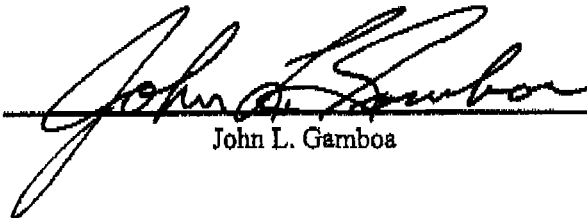
This is to certify that the above and foregoing instrument has been served on the following in accordance with the applicable rules on this the 23rd day of January, 2009:

Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, Texas 78701
Certified Mail RRR

Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
Western Service Center
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
VIA FAX: 303-407-2339

Darrell L. Ruban
Field Administrator
c/o Paula Smith
Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

BY:


John L. Gamboa

Attachment E

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.**

In the Matter of:

Accent Movers, Inc.,

Respondent.

)
)
)
) Docket No. FMCSA-2007-0089
)
) (Southern Service Center)
)
)
)

FIRST SET OF INTERROGATORIES

To: Accent Movers, Inc.

From: Federal Motor Carrier Safety Administration

Pursuant to Pursuant to 49 C.F.R. § 386.42 of the Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings, the Claimant through his counsel requests that you, within thirty days, answer the following interrogatories under oath to the Field Administrator through his attorney of record at 12600 West Colfax Avenue, Suite B-300, Lakewood, Colorado 80215.

Instructions

a. Each interrogatory is to be answered separately and fully in writing under oath unless it is objected to, in which event the grounds for objection shall be stated and signed by the party, or counsel for the party, if represented, making the response. An

interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact. If, in answer to these interrogatories, you encounter any ambiguities construing a question, instruction, or definition, set forth the matter deemed ambiguous and the construction used in answering.

b. Each Interrogatory should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives or consultants and information which is known by each or any of them.

c. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

d. If any Interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

e. Each Interrogatory is considered continuing, and if Respondent obtains information which renders its answers on one or more of them incomplete or inaccurate, Respondent is obligated to promptly serve amended answers.

Definitions

As used in these interrogatories, the following terms are to be interpreted with these definitions:

a. "You" "your" and "Respondent" as used herein refer to Accent Movers, Inc., the respondent in this proceeding and includes all employees, agents and representatives.

b. "Document" and "Documents" shall include, regardless of origin or location, all writings and records of any kind, drafts, copies or originals, including paper documents and electronic documents maintained on a local or a remotely located computer, the information stored in any electronic medium such as a hard drive, computer tape, solid state memory, flash drive, floppy discs, and all paper copies which are, or have been, within the possession, custody, or control of, or within the knowledge of, Respondent and/or its employees, agents, consultants, or experts. The descriptions of documents, records, or papers specified in these interrogatories are for convenient reference and identification and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media.

c. "Identify" and/or "state the identity of" with reference to individuals or persons means state the name, identifying information, identifying description, job title, job description, and current or last known business and home address, work and home telephone numbers.

d. "Identify" with reference to documents means state the date of the document, the type of document, the names and present addresses of the person or persons who prepared the document and of the signers and addressees of the document, the present location of the document, the name and current business and home addresses of the present custodians of the original document and any copies of it, a summary of the

contents of the document, and if the original document was destroyed, the date and reasons for or circumstances under which it was destroyed.

e. "Person" "persons" "people" and "individual" means any natural person, group of natural persons, all federal, state, county, municipal and other governmental units, agencies or public bodies, as well as firms, companies, corporations, partnerships, proprietorships, joint ventures, organizations, groups of natural persons or other associations or entities separately identifiable whether or not such associations or entities have separate legal existence in their own right.

f. "Describe" used in connection with any situation, circumstance, act, occurrence, or physical fact, shall include but not be limited to the following: the identify of every person known to have been involved or to have witnessed the situation, circumstance, act, occurrence, or physical fact, relevant date or dates, and a description of any documents, records or things documenting or involved in such situation, circumstances, act or occurrence.

g. "Relate" or "relating to" means referring to, concerning in any way, being evidence of, or memorializing all or any portion of the specified facts, contentions, or matter referenced.

h. As used herein, singular pronouns also include the plural.

i. "And" "or" and "and/or" shall be construed as broadly as possible so that information otherwise within the scope of the request is not excluded.

INTERROGATORIES

INTERROGATORY NO. 1 – Identify all persons answering or supplying information in answering these interrogatories.

INTERROGATORY NO. 2 – Identify the date and state of incorporation of Accent Movers, Inc., all officers, members and directors, all employees responsible for compliance with Federal statutes and regulations related to the transportation of property including household goods in interstate commerce, and all any fictitious business name(s) used by Accent Movers, Inc.

INTERROGATORY NO. 3 – Identify all witnesses you intend to call at hearing, including any witness expected to give opinion testimony specifically including expert witness(es), and provide a narrative summary of expected testimony for each witness.

INTERROGATORY NO. 4 – Identify all exhibits you intend to introduce at hearing and identify the witness who will be used to introduce the exhibit.

INTERROGATORY NO. 5 – Describe in detail any and all involvement you had in the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006.

INTERROGATORY NO. 6 – Describe in detail any and all relationship, employment and/or association you have had and/or currently have with Mark Moreno. Identify any and all job positions held by Mark Moreno with you including dates of employment, job title(s), and job description(s).

INTERROGATORY NO. 7 – Provide detailed identification and contact information for Mark Moreno including, but not limited, to full name, date of birth, driver's license number, current business and home addresses and telephone numbers.

INTERROGATORY NO. 8 – Explain and describe in detail the reasons for, circumstances of, and process used for your “referral” of the move for shipper Coogan to Mark Moreno. Identify any and all documents associated with your “referral” of the move for shipper Coogan to Mark Moreno.

INTERROGATORY NO. 9 – Identify the motor carrier United States Department of Transportation (USDOT) number and Motor Carrier (MC) number for Mark Moreno and any and all motor carrier entity(ies) and/or operations by which Mark Moreno was and/or is employed. Specifically identify the USDOT number and MC number for the motor carrier entity employing Mark Moreno in September 2006 when you “referred” the move of household goods for shipper Coogan.

INTERROGATORY NO. 10 – Explain and describe in detail any and all steps and inquiries you made to determine the motor carrier registration status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to “referring” the move of household goods for shipper Coogan.

INTERROGATORY NO. 11 – Explain and describe in detail any and all basis and support for your statement “Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past”.

INTERROGATORY NO. 12 – Explain and describe in detail any and all information you had regarding Mark Moreno, any employer of Mark Moreno, any motor carrier associated with Mark Moreno prior to “referring” the move of household goods for shipper Coogan.

INTERROGATORY NO. 13 – Identify, explain and describe in detail any and all shipments, transportations, and/or moves of household goods you “referred” to Mark Moreno prior to the Coogan move in September 2006.

INTERROGATORY NO. 14 – Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form received by you from any source(s), person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative(s)), Mark Moreno and/or any person or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

INTERROGATORY NO. 15 – Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form paid by you to any person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative), Mark Moreno and/or any person and/or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the transportation of household goods for shipper Coogan in or about September 2006.

INTERROGATORY NO. 16 – Identify any other motor carrier(s), motor carrier entity(ies), broker(s), broker entity(ies), and/or household goods moving entity(ies) in which Shane Gibson has a financial interest in and/or management position held with. Include the USDOT number and MC number for any and all identified entity(ies). Identify and describe in detail any and all relationship(s), association(s) and/or agreement(s) between you and any identified entity(ies).

INTERROGATORY NO. 17 – Identify any and all relationship(s), association(s), contract(s), leasing arrangements, and/or agreement(s) between you and any

owner/operator(s), motor carrier(s), motor carrier entity(ies), broker(s), and/or broker entity(ies). Include the USDOT number and MC number for any and all identified entity(ies).

Attorneys for the Claimant

Date: January 8, 2009

By:



Nancy Jackson

Office of Chief Counsel

Federal Motor Carrier Safety Administration

12600 West Colfax Avenue, Suite B-300

Lakewood, Colorado 80215


303-407-2363

303-407-2339 (Fax)

CERTIFICATE OF SERVICE

This is to certify that on the 8th of January 2009, the undersigned served, as specified, the designated number of copies of Claimant's First Set of Interrogatories to each of the parties listed below:

John L. Gamboa Acuff Gamboa & White, L.L.P. Attorneys for Respondent 2501 Parkview Drive, Suite 405 Fort Worth, Texas 76102-5816	Original Federal Express FedEx # 7972 3114 8791
Joanne A. Cisneros Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto Blvd. Austin, Texas 78701	One Copy Internal Mail
Nancy Jackson Office of Chief Counsel Federal Motor Carrier Safety Administration Western Service Center 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215	One Copy Internal Mail
Darrell L. Ruban Field Administrator c/o Paula Smith Federal Motor Carrier Safety Administration Southern Service Center 1800 Century Blvd Suite 1700 Atlanta, GA 30345	One Copy Federal Express FedEx # 7972 3122 9424



Attachment F

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF & GAMBOA, L.L.P.

2501 Parkview Drive, Suite 405

Fort Worth, Texas 76102-5816

Phone: (817) 885-8500

Fax: (817) 885-8504

DATE: February 24, 2009

TO: Nancy Jackson 303-407-2339

FROM: Tamara Null, Legal Assistant to John L. Gamboa

RE: Docket No. FMCSA-2007-0089; In the Matter of Accent Movers, Inc.,
Respondent

NUMBER OF PAGES INCLUDING COVER PAGE:

SPECIAL MESSAGE:

☒ Original will follow via: ☐ Original will not follow
☐ Regular Mail
☐ Overnight Delivery
☐ Hand Delivery
☐ Certified Mail RRR

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to ACUFF & GAMBOA, LLP that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying, distribution or taking of any action in reliance on, or with respect to, the contents of this telecopier information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified as the sending person by telephone at the number set forth above to arrange for return of the original documents to us.

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of

ACCENT MOVERS, INC.

Respondent.

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Docket No. FMCSA-2007-0089
(Federal Motor Carrier Safety Administration)

**RESPONDENT'S RESPONSES TO FMCSA'S
FIRST SET OF INTERROGATORIES**

TO: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FROM: ACCENT MOVERS, INC.

INTERROGATORY NO. 1 - Identify all persons answering or supplying information in answering these interrogatories.

RESPONSE: Shane Gibson
2616 Weaver Road
Haltom City, Texas, 76117

INTERROGATORY NO. 2 - Identify the date and state of incorporation of Accent Movers, Inc., all officers, members and directors, all employees responsible for compliance with Federal statutes and regulations related to the transportation of property including household goods interstate commerce, and all any fictitious business name(s) used by Accent Movers, Inc.

RESPONSE: Attached.

INTERROGATORY NO. 3 - Identify all witnesses you intend to call at hearing, including any witness expected to give opinion testimony specifically including expert witness(es), and provide a narrative summary of expected testimony for each witness.

RESPONSE: Shane Gibson.

INTERROGATORY NO. 4 - Identify all exhibits you intend to introduce at hearing and identify the witness who will be used to introduce the exhibit.

RESPONSE: NONE

INTERROGATORY NO. 5 - Describe in detail any and all involvement you had in the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006.

RESPONSE: Just scheduled the move.

INTERROGATORY NO. 6 - Describe in detail any and all relationship, employment and/or association you have had and/or currently have with Mark Moreno. Identify any and all job positions held by Mark Moreno with you including dates of employment, job title(s) and job description(s).

RESPONSE: Referred moves to Mark Moreno only.

INTERROGATORY NO. 7 - Provide detailed identification and contact information for Mark Moreno including, but not limited, to full name, date of birth, driver's license number, current business and home address and telephone numbers.

RESPONSE: Mark Moreno

INTERROGATORY NO. 8 - Explain and describe in detail the reasons for, circumstances of, and process used for your "referral" of the move for shipper Coogan to Mark Moreno. Identify any and all documents associated with your "referral" of the move for shipper Coogan to Mark Moreno.

RESPONSE: Referred movers in the past to Mark Moreno with no problems.

INTERROGATORY NO. 9 - Identify the motor carrier United States Department of Transportation (USDOT) number and Motor Carrier (MC) number for Mark Moreno and any and all motor carrier entity(ies) and/or operations by which Mark Moreno was and/or is employed. Specifically identify the USDOT number and MC number for the motor carrier entity employing Mark Moreno in September 2006 when you "referred" the move of household goods for shipper Coogan.

RESPONSE: Such information is not known by Respondent.

INTERROGATORY NO. 10 - Explain and describe in detail any and all steps and inquiries you made to determine the motor carrier registration status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: He informed Respondent he was capable of moving the shipment.

INTERROGATORY NO. 11 - Explain and describe in detail any and all basis and support for your statement "Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past".

RESPONSE: Shipment were given to him in the past without any problems.

INTERROGATORY NO. 12 - Explain and describe in detail any and all information you had regarding Mark Moreno, any employer of Mark Moreno, any motor carrier associated with Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: None as Respondent had dealt with Mr. Moreno in the past.

INTERROGATORY NO. 13 - Identify, explain and describe in detail any and all shipments, transportation, and/or moves of household goods you "referred" to Mark Moreno prior to the Coogan move in September 2006.

RESPONSE: Respondent referred intrastate moves to Mr. Moreno, and does not know the exact number at this time.

INTERROGATORY NO. 14 - Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form received by you from any source(s), person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative(s)), Mark Moreno and/or any person or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

RESPONSE: Mark Moreno never paid Respondent any sums for the shipment.

INTERROGATORY NO. 15 - Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form paid by you to any person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative), Mark Moreno and/or any person and/or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the transportation of household goods for shipper Coogan in or about September 2006.

RESPONSE: Respondent paid Mark Moreno the sums received from the shipper.

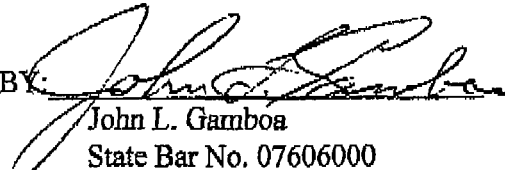
INTERROGATORY NO. 16 - Identify any other motor carrier(s), motor carrier entity(ies), broker(s), broker entity(ies), and/or household goods moving entity(ies) in which Shane Gibson has a financial interest in and/or management position held with. Include the USDOT number and MC number for any and all identified entity(ies). Identify and describe in detail any and all relationship(s), association(s) and/or agreement(s) between you and any identified entity(ies).

RESPONSE: NONE

INTERROGATORY NO. 17 - Identify any and all relationship(s), association(s), contract(s), leasing arrangements, and/or agreements between you and any owner/operator(s), motor carrier(s), motor carrier entity(ies), broker(s), and/or broker entity(ies). Include the USDOT number and MC number for any and all identified entities.

RESPONSE: NONE

Respectfully submitted,
ACUFF & GAMBOA, L.L.P.

BY: 
John L. Gamboa
State Bar No. 07606000
2501 Parkview Drive, Suite 405
Fort Worth, TX 76102
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing instrument has been served on the following in accordance with the applicable rules on this the 24 day of February 2009:

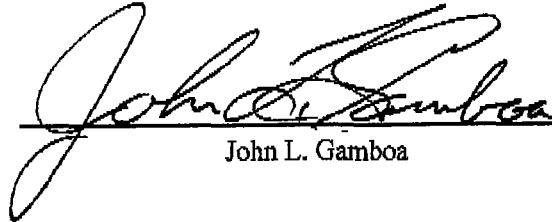
Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, Texas 78701
Certified Mail RRR

Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
Western Service Center
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
VIA FAX: 303-407-2339

Darrell L. Ruban
Field Administrator
c/o Paula Smith

Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

BY:


John L. Gamboa



The State of Texas

SECRETARY OF STATE CERTIFICATE OF INCORPORATION

OF

ACCENT MOVERS, INC.

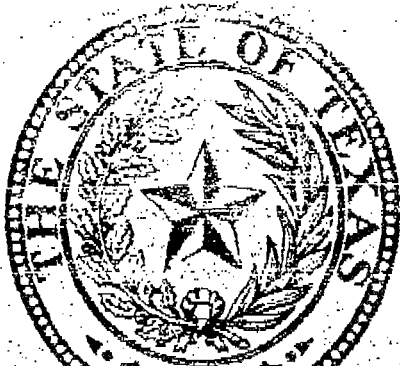
CHARTER NO. # 1109119

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation duly signed pursuant to the provisions of the Texas Business Corporation Act, have been received in this Office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a corporate name in this State in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated MARCH 27, 19 89.



Carl M. Rogers

Secretary of State

ERG

EXHIBIT

3

FILED
In the Office of the
Secretary of State of Texas

MAR 27 1989

Corporations Section

ARTICLES OF INCORPORATION

OF

ACCENT MOVERS, INC.

I, Lee M. Smith the undersigned natural person of the age of twenty-one years or more, a citizen of the State of Texas, acting as the Incorporator of ACCENT MOVERS, INC. under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE ONE

The name of the corporation is ACCENT MOVERS, INC..

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose for which this corporation is organized is to engage in any lawful act or activity for which a corporation may be organized under the laws of the State of Texas.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have the authority to issue is 10,000 shares, each with a par value of No par.

ARTICLE FIVE

The corporation will not commence business until it has received for the issuance of its shares consideration of the value of One Thousand (\$1,000.00), consisting of money, labor done, or property actually received, which sum shall not be less than One Thousand Dollars (\$1,000).

ARTICLE SIX

The address of the corporation's initial registered office and the name of its initial registered agent at such address is:

NameAddress

Allen D'Shane Gibson

1244 Southridge Court,
Suite 102, Hurst, TX 76053

ARTICLE SEVEN

The number of directors constituting the initial Board of Directors is , and the names and addresses of the persons who are to serve as Directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

NameAddress

Allen D'Shane Gibson

2311 East Loop 820 North,
Fort Worth, Texas 76118

Mandy Carpenter

2311 East Loop 820 North,
Fort Worth, Texas 76118

ARTICLE EIGHT

The name and address of the Incorporator is:

Name


Address

Lee M. Smith

1244 Southridge Court,
Suite 102, Hurst, Texas 76053

IN WITNESS WHEREOF, I have hereunto set my hand this


22ND day of March, 1989.


Lee M. Smith, Incorporator

THE STATE OF TEXAS *

COUNTY OF Tarrant *

I, Sandra R. Nev, a notary public, do hereby certify that on this 22nd day of March, 1989 personally appeared before me, Lee M. Smith who being by me first duly sworn, declared that he is the person who signed the foregoing document as Incorporator, and that the statements therein contained are true to the best of his knowledge and belief.


Notary Public in and for Tarrant
County, Texas

My Commission Expires:

8/29/92



MINUTES OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

The organization meeting of directors was held at
1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053
on April 2, 1989 at 4:00 P.M.

The following were present

Shane Gibson

Mandy Carpenter

being all the directors of the corporation.

Shane Gibson was appointed chairman of the
meeting and Mandy Carpenter was appointed secretary.

The secretary then presented and read to the meeting the
waiver of notice of the meeting, subscribed by all the directors
named in the articles of incorporation, and it was ordered that it
be appended to the minutes of the meeting.

The secretary then presented and read to the meeting a
copy of the articles of incorporation and reported that on
the original thereof was filed in the
office of the Secretary of State of the State of Texas and that
the Secretary of State issued a formal Certificate of Incorporation
to the company on that date. The secretary presented the Certificate
of Incorporation annexed to an approved duplicate of the articles
of incorporation as filed and it was ordered appended to the
minutes of the meeting.

The secretary then presented to the meeting the resignation of all the directors of the corporation, and it was ordered that they be filed with the minutes of the meeting.

RESOLVED that the resignation of directors as presented to the meeting are hereby approved and accepted and they are to take affect at the close of the organization meeting.

The chairman then stated that nominations were in order for election of directors of the corporation to hold office until the first annual meeting of shareholders and until their successors shall be elected and shall qualify.

The following persons were nominated:

Shane Gibson

Mandy Carpenter

No further nominations being made nominations were closed and a vote was taken.

After the vote had been counted, the chairman declared that the foregoing named nominees were elected directors of the corporation. The chairman then stated that the newly elected directors would assume their responsibilities immediately.

The secretary then presented a proposed form of by-laws prepared by

counsel to the corporation. The proposed by-laws were read to the meeting, considered and upon motion duly made, seconded and carried, were adopted as and for the by-laws of the corporation and ordered appended to the minutes of the meeting.

The chairman of the meeting then called for the election of officers of the corporation. The following persons were nominated to the office preceding their name:

president Shane Gibson

vice-president

secretary Mandy Carpenter

treasurer

No further nominations being made the nominations were closed and the directors proceeded to vote on the nominees. The chairman announced that the foregoing nominees were elected to the offices set before their respective names.

The secretary submitted to the meeting a seal proposed for use as the corporate seal, a specimen share certificate proposed for use as the corporate certificate for shares the corporate record book, and the share transfer ledger. Upon motion duly made, seconded and carried, it was

RESOLVED, that the seal now presented at this meeting, an impression of which is directed to be made in the minutes of this meeting, be and the same hereby is adopted as the seal of the corporation, and further

RESOLVED, that the specimen share certificate presented to this meeting be and hereby is adopted as the form of certificate for shares to be issued to represent shares in the corporation, and further

RESOLVED, that the corporate record book, including the share transfer ledger, be and hereby is adopted as the record book and share transfer ledger of the corporation.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the treasurer of the corporation be and hereby is authorized to pay all charges and expenses incident to or arising out of the organization of the corporation and to reimburse any person who has made any disbursement therefor.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that an office of the corporation be established and maintained at
in the City of State of
and that meetings of the board of directors from time to time may be held either at the principal office or at such other place as the board of directors shall from time to time order.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to do business in any state, territory or dependency of the United States or any foreign country in which it is necessary or expedient for this corporation to transact business, the proper officers of this corporation are hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate and change the location of all necessary statutory offices and, under the corporate seal, to make and file all necessary certificates, reports, powers of attorney and other instruments as may be required by the laws of such state, territory, dependency or country to authorize the corporation to transact business therein.

The chairman then stated that it was desirable to designate a depository for the funds of the corporation. Thereupon, on motion duly made, seconded and unanimously adopted, it was

RESOLVED, that the treasurer be and hereby is authorized to open a bank account in behalf of the corporation with

located at
and a resolution for that purpose on the printed form of said bank was adopted and was ordered appended to the minutes of this meeting.

The secretary then presented to the meeting a written proposal from _____ dated _____ and addressed to this corporation.

Upon motion duly made, seconded and carried, the said proposal was ordered filed with the secretary, and he was requested to append a copy of the proposal to the minutes.

The proposal was taken up for consideration and the following resolution was on motion unanimously adopted

WHEREAS, a written proposal has been made to this corporation which proposal has been appended to these minutes, and

WHEREAS, in the judgment of the board of directors the assets proposed to be transferred to the corporation are reasonably worth the amount of the consideration demanded therefor, and that it is in the best interests of this corporation to accept the said offer as set forth in said proposal,

NOW THEREFORE, IT IS RESOLVED that said offer, as set forth in said proposal, be and the same hereby is approved and accepted, and that in accordance with the terms thereof, this corporation shall as full payment for said property issue to said offeror(s) or nominee(s) _____ fully paid and non-assessable shares of this corporation, and it is

FURTHER RESOLVED, that upon the delivery to this corporation of said assets and the execution and delivery of such proper instruments as may be necessary to transfer and convey the same to this corporation, the officers of this corporation are authorized and directed to execute and deliver the certificate or certificates for such shares as are required to be issued and delivered on acceptance of said offer in accordance with the foregoing.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the board of directors of the corporation be, and it hereby is, authorized to issue from time to time the authorized shares of capital stock of the corporation for money paid labor done or personal property or real estate or leases thereof actually acquired by the corporation, upon such terms as the board of directors in its discretion may determine.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the corporation proceed to carry on the business for which it was incorporated, and further

RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on motion duly made, seconded and carried, the meeting was adjourned.

Dated: April 2, 1989

chairman

Mandy Carpenter
secretary

A true copy of each of the following papers referred to in the foregoing minutes is appended hereto:

Waiver of notice of the meeting
Certificate of Incorporation and articles of incorporation
Resignation of directors
By-laws
Specimen share certificates
Resolution designating depository of funds

WAIVER OF NOTICE OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

We, the undersigned, being all the directors named in the articles of incorporation of the above corporation hereby agree and consent that the organization meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting 1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053

Date of meeting April 2, 1989

Time of meeting 4:00 p.m.

Mandy Carpenter

Dated:

Attachment G

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF & GAMBOA, L.L.P.

ATTORNEYS AT LAW
PARK PLAZA BUILDING
2501 PARKVIEW DRIVE, SUITE 405
FORT WORTH, TEXAS 76102-5816

817/885-8500

FAX 817/885-8504

February 25, 2009

Sent via Fax 303-407-2339

Nancy Jackson
Federal Motor Carrier Safety
Western Service Center
12600 W. Colfax Ave., Suite B300
Denver, CO 80215

RE: Docket No. FMCSA-2007-0089; In the Matter of Accent Movers, Inc.

Dear Ms. Jackson:

Enclosed please find the original and one copy of Respondent's Responses to FMCSA'S First Set of Interrogatories and Respondent's Responses to FMCSA'S First Request for Production of Documents.

Very truly yours,



Tamara Null, CLA
Legal Assistant for
JOHN L. GAMBOA

JLG/tn
Enclosures

cc: ONE COPY

Sent via CMRRR 7007 0710 0004 7456 8466

Darrell L. Ruban, Field Administrator Federal Motor Carrier Safety Administration Southern Service Center
1800 Century Blvd., Suite 1700
Atlanta, GA 30345

Sent via CMRRR 7007 0710 0004 7456 8473

Joanne A. Cisneros
Texas Division Administrator
Federal Motor Carrier Safety Administration 903 San Jacinto Blvd.
Austin, TX 78701

Sent via Fax 202-366-7536

The Honorable Richard C. Goodwin

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of

ACCENT MOVERS, INC.

Respondent.

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Docket No. FMCSA-2007-0089
(Federal Motor Carrier Safety Administration)

**RESPONDENT'S RESPONSES TO FMCSA'S
FIRST SET OF INTERROGATORIES**

TO: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FROM: ACCENT MOVERS, INC.

INTERROGATORY NO. 1 - Identify all persons answering or supplying information in answering these interrogatories.

RESPONSE: Shane Gibson
2616 Weaver Road
Haltom City, Texas, 76117

INTERROGATORY NO. 2 - Identify the date and state of incorporation of Accent Movers, Inc., all officers, members and directors, all employees responsible for compliance with Federal statutes and regulations related to the transportation of property including household goods interstate commerce, and all any fictitious business name(s) used by Accent Movers, Inc.

RESPONSE: Attached.

INTERROGATORY NO. 3 - Identify all witnesses you intend to call at hearing, including any witness expected to give opinion testimony specifically including expert witness(es), and provide a narrative summary of expected testimony for each witness.

RESPONSE: Shane Gibson.

INTERROGATORY NO. 4 - Identify all exhibits you intend to introduce at hearing and identify the witness who will be used to introduce the exhibit.

RESPONSE: NONE

INTERROGATORY NO. 5 - Describe in detail any and all involvement you had in the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006.

RESPONSE: Just scheduled the move.

INTERROGATORY NO. 6 - Describe in detail any and all relationship, employment and/or association you have had and/or currently have with Mark Moreno. Identify any and all job positions held by Mark Moreno with you including dates of employment, job title(s) and job description(s).

RESPONSE: Referred moves to Mark Moreno only.

INTERROGATORY NO. 7 - Provide detailed identification and contact information for Mark Moreno including, but not limited, to full name, date of birth, driver's license number, current business and home address and telephone numbers.

RESPONSE: Mark Moreno

INTERROGATORY NO. 8 - Explain and describe in detail the reasons for, circumstances of, and process used for your "referral" of the move for shipper Coogan to Mark Moreno. Identify any and all documents associated with your "referral" of the move for shipper Coogan to Mark Moreno.

RESPONSE: Referred movers in the past to Mark Moreno with no problems.

INTERROGATORY NO. 9 - Identify the motor carrier United States Department of Transportation (USDOT) number and Motor Carrier (MC) number for Mark Moreno and any and all motor carrier entity(ies) and/or operations by which Mark Moreno was and/or is employed. Specifically identify the USDOT number and MC number for the motor carrier entity employing Mark Moreno in September 2006 when you "referred" the move of household goods for shipper Coogan.

RESPONSE: Such information is not known by Respondent.

INTERROGATORY NO. 10 - Explain and describe in detail any and all steps and inquiries you made to determine the motor carrier registration status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: He informed Respondent he was capable of moving the shipment.

INTERROGATORY NO. 11 - Explain and describe in detail any and all basis and support for your statement "Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past".

RESPONSE: Shipment were given to him in the past without any problems.

INTERROGATORY NO. 12 - Explain and describe in detail any and all information you had regarding Mark Moreno, any employer of Mark Moreno, any motor carrier associated with Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: None as Respondent had dealt with Mr. Moreno in the past.

INTERROGATORY NO. 13 - Identify, explain and describe in detail any and all shipments, transportation, and/or moves of household goods you "referred" to Mark Moreno prior to the Coogan move in September 2006.

RESPONSE: Respondent referred Intrastate moves to Mr. Moreno, and does not know the exact number at this time.

INTERROGATORY NO. 14 - Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form received by you from any source(s), person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative(s)), Mark Moreno and/or any person or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

RESPONSE: Mark Moreno never paid Respondent any sums for the shipment.

INTERROGATORY NO. 15 - Identify, explain, and describe in detail any and all monies, sums, and/or compensation in any form paid by you to any person(s) or entity(ies), including but not limited to the shipper (and/or his/her representative), Mark Moreno and/or any person and/or entity employing Mark Moreno, and/or any broker and/or motor carrier entity(ies), related to the transportation of household goods for shipper Coogan in or about September 2006.

RESPONSE: Respondent paid Mark Moreno the sums received from the shipper.

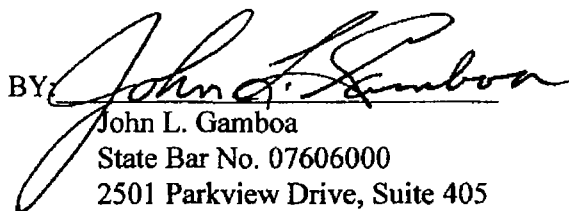
INTERROGATORY NO. 16 - Identify any other motor carrier(s), motor carrier entity(ies), broker(s), broker entity(ies), and/or household goods moving entity(ies) in which Shane Gibson has a financial interest in and/or management position held with. Include the USDOT number and MC number for any and all identified entity(ies). Identify and describe in detail any and all relationship(s), association(s) and/or agreement(s) between you and any identified entity(ies).

RESPONSE: NONE

INTERROGATORY NO. 17 - Identify any and all relationship(s), association(s), contract(s), leasing arrangements, and/or agreements between you and any owner/operator(s), motor carrier(s), motor carrier entity(ies), broker(s), and/or broker entity(ies). Include the USDOT number and MC number for any and all identified entities.

RESPONSE: NONE

Respectfully submitted,
ACUFF & GAMBOA, L.L.P.

BY: 
John L. Gamboa
State Bar No. 07606000
2501 Parkview Drive, Suite 405
Fort Worth, TX 76102
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing instrument has been served on all attorneys of record in the above styled and numbered cause in accordance with the applicable rules on this the 25th day of February, 2009.

SERVICE LIST

ONE COPY

Sent via Fax 303-407-2339

Nancy Jackson
Federal Motor Carrier Safety
Western Service Center
12600 W. Colfax Ave., Suite B300
Denver, CO 80215

Sent via CMRRR 7007 0710 0004 7456 8466

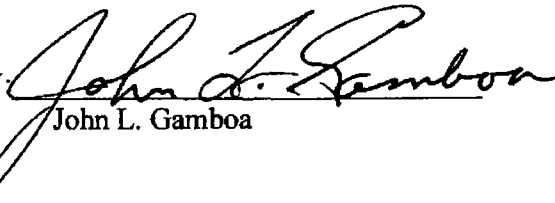
Darrell L. Ruban, Field Administrator Federal
Motor Carrier Safety Administration Southern
Service Center
1800 Century Blvd., Suite 1700
Atlanta, GA 30345

Sent via CMRRR 7007 0710 0004 7456 8473

Joanne A. Cisneros
Texas Division Administrator
Federal Motor Carrier Safety
Administration 903 San Jacinto Blvd.
Austin, TX 78701

Sent via Fax 202-366-7536

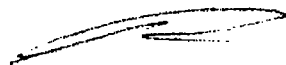
The Honorable Richard C. Goodwin
Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
400 Seventh Street, S.W., Room 5411
Washington, DC 20590

BY: 
John L. Gamboa

VERIFICATION

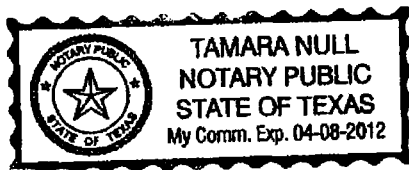
THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

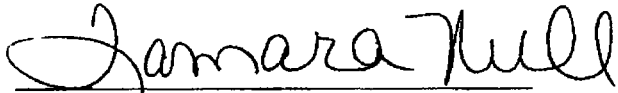
On this day came before me, the undersigned Notary Public, Shane Gibson, and after being duly sworn stated under oath that he is the Respondent in this action; that he has read the above Response to Interrogatories, and that the responses to Interrogatories are within his personal knowledge and are true and correct.



Shane Gibson

SUBSCRIBED AND SWORN TO before me on this the 25th day of February 2009, to certify which witness my hand and seal of office.





Tamara Null
NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT



The State of Texas

SECRETARY OF STATE CERTIFICATE OF INCORPORATION

OF

ACCENT MOVERS, INC.

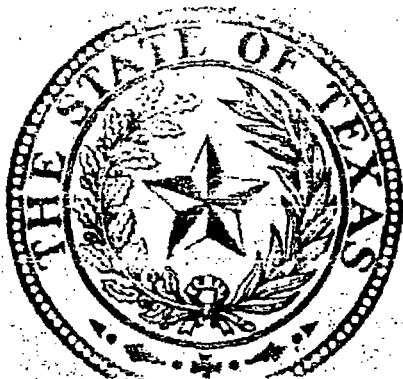
CHARTER NO. # 1109119

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation duly signed pursuant to the provisions of the Texas Business Corporation Act, have been received in this Office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a corporate name in this State in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated MARCH 27, 19 89.



Carl M. Rogers

Secretary of State

ERG

EXHIBIT

A

ARTICLES OF INCORPORATION

OF

ACCENT MOVERS, INC.

FILED
In the Office of the
Secretary of State of Texas

MAR 27 1989

Corporations Section

I, Lee M. Smith the undersigned natural person of the age of twenty-one years or more, a citizen of the State of Texas, acting as the Incorporator of ACCENT MOVERS, INC. under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE ONE

The name of the corporation is ACCENT MOVERS, INC..

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose for which this corporation is organized is to engage in any lawful act or activity for which a corporation may be organized under the laws of the State of Texas.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have the authority to issue is 10,000 shares, each with a par value of No par.

ARTICLE FIVE

The corporation will not commence business until it has received for the issuance of its shares consideration of the value of One Thousand (\$1,000.00), consisting of money, labor done, or property actually received, which sum shall not be less than One Thousand Dollars (\$1,000).

ARTICLE SIX

The address of the corporation's initial registered office and the name of its initial registered agent at such address is:

Name

Address

Allen D'Shane Gibson

1244 Southridge Court,
Suite 102, Hurst, TX 76053

ARTICLE SEVEN

The number of directors constituting the initial Board of Directors is , and the names and addresses of the persons who are to serve as Directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

Name

Address

Allen D'Shane Gibson

2311 East Loop 820 North,
Fort Worth, Texas 76118

Mandy Carpenter

2311 East Loop 820 North,
Fort Worth, Texas 76118

ARTICLE EIGHT

The name and address of the Incorporator is:

Name

Lee M. Smith

Address

1244 Southridge Court,
Suite 102, Hurst, Texas 76053

IN WITNESS WHEREOF, I have hereunto set my hand this


22ND day of March, 1989.


Lee M. Smith, Incorporator

THE STATE OF TEXAS

COUNTY OF Tarrant

I, Saura R. Rex, a notary public, do hereby certify that on this 22nd day of March, 1989 personally appeared before me, Lee M. Smith who being by me first duly sworn, declared that he is the person who signed the foregoing document as Incorporator, and that the statements therein contained are true to the best of his knowledge and belief.


Notary Public in and for Tarrant
County, Texas

My Commission Expires:

8/29/92



MINUTES OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

The organization meeting of directors was held at
1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053
on April 2, 1989 at 4:00 P.M.

The following were present

Shane Gibson

Mandy Carpenter

being all the directors of the corporation.

Shane Gibson was appointed chairman of the
meeting and Mandy Carpenter was appointed secretary.

The secretary then presented and read to the meeting the
waiver of notice of the meeting, subscribed by all the directors
named in the articles of incorporation, and it was ordered that it
be appended to the minutes of the meeting.

The secretary then presented and read to the meeting a
copy of the articles of incorporation and reported that on
the original thereof was filed in the
office of the Secretary of State of the State of Texas and that
the Secretary of State issued a formal Certificate of Incorporation
to the company on that date. The secretary presented the Certificate
of Incorporation annexed to an approved duplicate of the articles
of incorporation as filed and it was ordered appended to the
minutes of the meeting.

The secretary then presented to the meeting the resignation of all the directors of the corporation, and it was ordered that they be filed with the minutes of the meeting.

RESOLVED that the resignation of directors as presented to the meeting are hereby approved and accepted and they are to take affect at the close of the organization meeting.

The chairman then stated that nominations were in order for election of directors of the corporation to hold office until the first annual meeting of shareholders and until their successors shall be elected and shall qualify.

The following persons were nominated:

Shane Gibson

Mandy Carpenter

No further nominations being made nominations were closed and a vote was taken.

After the vote had been counted, the chairman declared that the foregoing named nominees were elected directors of the corporation. The chairman then stated that the newly elected directors would assume their responsibilities immediately.

The secretary then presented a proposed form of by-laws prepared by

counsel to the corporation. The proposed by-laws were read to the meeting, considered and upon motion duly made, seconded and carried, were adopted as and for the by-laws of the corporation and ordered appended to the minutes of the meeting.

The chairman of the meeting then called for the election of officers of the corporation. The following persons were nominated to the office preceding their name:

president Shane Gibson

vice-president

secretary Mandy Carpenter

treasurer

No further nominations being made the nominations were closed and the directors proceeded to vote on the nominees. The chairman announced that the foregoing nominees were elected to the offices set before their respective names.

The secretary submitted to the meeting a seal proposed for use as the corporate seal, a specimen share certificate proposed for use as the corporate certificate for shares the corporate record book, and the share transfer ledger. Upon motion duly made, seconded and carried, it was

RESOLVED, that the seal now presented at this meeting, an impression of which is directed to be made in the minutes of this meeting, be and the same hereby is adopted as the seal of the corporation, and further

RESOLVED, that the specimen share certificate presented to this meeting be and hereby is adopted as the form of certificate for shares to be issued to represent shares in the corporation, and further

RESOLVED, that the corporate record book, including the share transfer ledger, be and hereby is adopted as the record book and share transfer ledger of the corporation.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the treasurer of the corporation be and hereby is authorized to pay all charges and expenses incident to or arising out of the organization of the corporation and to reimburse any person who has made any disbursement therefor.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that an office of the corporation be established and maintained at _____
in the City of _____ State of _____
and that meetings of the board of directors from time to time may be held either at the principal office or at such other place as the board of directors shall from time to time order.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to do business in any state, territory or dependency of the United States or any foreign country in which it is necessary or expedient for this corporation to transact business, the proper officers of this corporation are hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate and change the location of all necessary statutory offices and, under the corporate seal, to make and file all necessary certificates, reports, powers of attorney and other instruments as may be required by the laws of such state, territory, dependency or country to authorize the corporation to transact business therein.

The chairman then stated that it was desirable to designate a depository for the funds of the corporation. Thereupon, on motion duly made, seconded and unanimously adopted, it was

RESOLVED, that the treasurer be and hereby is authorized to open a bank account in behalf of the corporation with

located at
and a resolution for that purpose on the printed form of said
bank was adopted and was ordered appended to the minutes of
this meeting.

The secretary then presented to the meeting a written proposal from
dated _____ and addressed to this corporation.
ration.

Upon motion duly made, seconded and carried, the said proposal was ordered filed with the secretary, and he was requested to append a copy of the proposal to the minutes.

The proposal was taken up for consideration and the following resolution was on motion unanimously adopted

WHEREAS, a written proposal has been made to this corporation which proposal has been appended to these minutes, and

WHEREAS, in the judgment of the board of directors the assets proposed to be transferred to the corporation are reasonably worth the amount of the consideration demanded therefor, and that it is in the best interests of this corporation to accept the said offer as set forth in said proposal,

NOW THEREFORE, IT IS RESOLVED that said offer, as set forth in said proposal, be and the same hereby is approved and accepted, and that in accordance with the terms thereof, this corporation shall as full payment for said property issue to said offeror(s) or nominee(s) _____ fully paid and non-assessable shares of this corporation, and it is

FURTHER RESOLVED, that upon the delivery to this corporation of said assets and the execution and delivery of such proper instruments as may be necessary to transfer and convey the same to this corporation, the officers of this corporation are authorized and directed to execute and deliver the certificate or certificates for such shares as are required to be issued and delivered on acceptance of said offer in accordance with the foregoing.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the board of directors of the corporation be, and it hereby is, authorized to issue from time to time the authorized shares of capital stock of the corporation for money paid labor done or personal property or real estate or leases thereof actually acquired by the corporation, upon such terms as the board of directors in its discretion may determine.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the corporation proceed to carry on the business for which it was incorporated, and further

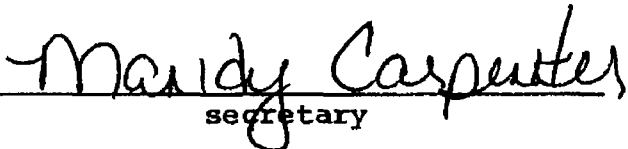
RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on motion duly made, seconded and carried, the meeting was adjourned.

Dated: April 2, 1989



chairman


secretary

A true copy of each of the following papers referred to in the foregoing minutes is appended hereto:

Waiver of notice of the meeting
Certificate of Incorporation and articles of incorporation
Resignation of directors
By-laws
Specimen share certificates
Resolution designating depository of funds

WAIVER OF NOTICE OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

We, the undersigned, being all the directors named in the articles of incorporation of the above corporation hereby agree and consent that the organization meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting 1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053

Date of meeting April 2, 1989

Time of meeting 4:00 p.m.

Mandy Carpenter

Dated:

Attachment H

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

refused, in which event the reasons for the refusal shall be stated. If the refusal relates to part of an item or category, the part shall be specified.

b. Your response should be based on your entire knowledge from all sources and all information in your custody, possession, control, including information from your officers, employees, agents, representatives or consultants and information which is known by each or any of them.

c. If a response is qualified, state specifically the terms of each qualification and the reasons for it. If a request cannot be produced in full, state the part which can be produced and produce the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be produced. If, in responding to these requests, you encounter any ambiguities construing a question, instruction, or definition, set forth the matter deemed ambiguous and the construction used in responding.

d. In producing the documents, all documents which are physically attached to each other shall remain so attached. Documents which are segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs, or other methods, shall be left so segregated or separated. Documents shall be retained in the order in which they were maintained where located.

e. All documents produced in response to an individual request shall be physically segregated from documents produced in response to any other request and the request to which they are responsive shall be specifically identified. If a document is responsive to more than one request, each of the requests to which the document is responsive shall be specified.

f. Claims of Privilege – if an objection to a request is based upon a claim of privilege or attorney work product, identify each document so withheld. With regard to all documents or portions of documents withheld on this basis, identify its creator, provide a description of the document, and state with particularity the basis of the claim of privilege, work product, or other ground of nondisclosure.

g. Lost or destroyed documents – If any document requested has been lost, discarded, or destroyed, identify such document. State the type of document, its date, the approximate date lost, discarded, or destroyed, the reason it was lost, discarded or destroyed, a summary of its substance, and the identity of each person having knowledge of the contents thereof.

h. These requests are continuing. If you become aware of or acquire possession, custody, or control of additional responsive documents, you are required to promptly supplement your responses and produce such additional documents for inspection and copying.

Definitions

a. “You” “your” and “Respondent” as used herein refer to Accent Movers, Inc., the respondent in this proceeding and includes all employees, agents and representatives.

b. “Document” and “Documents” shall include, regardless of origin or location, all writings and records of any kind, drafts, copies or originals, including paper documents and electronic documents maintained on a local or a remotely located computer, the information stored in any electronic medium such as a hard drive,

computer tape, solid state memory, flash drive, floppy discs, and all paper copies which are, or have been, within the possession, custody, or control of Respondent and/or its employees, agents, consultants, or experts. The descriptions of documents, records, or papers specified in these interrogatories are for convenient reference and identification and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media.

c. "Person" "persons" "people" and "individual" means any natural person, group of natural persons, all federal, state, county, municipal and other governmental units, agencies or public bodies, as well as firms, companies, corporations, partnerships, proprietorships, joint ventures, organizations, groups of natural persons or other associations or entities separately identifiable whether or not such associations or entities have separate legal existence in their own right.

d. "Relate" or "relating to" means referring to, concerning in any way, being evidence of, or memorializing all or any portion of the specified facts, contentions, or matter referenced.

e. As used herein, singular pronouns also include the plural

f. "And" "or" and "and/or" shall be construed as broadly as possible so that information otherwise within the scope of the request is not excluded.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1 – Incorporation and fictitious business name documents and filings for Respondent.

REQUEST NO. 2 – Any and all exhibits you intend to introduce at hearing.

REQUEST NO. 3 – Any and all documents used by any witness you intend to call at hearing to form the basis of opinion testimony.

REQUEST NO. 4 – Any and all documents related your employment of, contracting with, agreement with, association with and/or relationship to Mark Moreno, including but not limited to all contracts, agreements, leasing arrangements, and/or employment records and documents.

REQUEST NO. 5 – Any and all documents related your payment of monies, sums and/or compensation, in any form for any purpose, to Mark Moreno for the years 2006 and 2007.

REQUEST NO. 6 – Any and all documents related to arrangement for and/or the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006 including copies of any and all communications with shipper Coogan, email or otherwise.

REQUEST NO. 7 – Any and all documents related to monies, sums, and/or compensation, in any form for any purpose, paid or received by you related to the arrangement, shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

REQUEST NO. 8 – Any and all documents related to your contention that “Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past”.

REQUEST NO. 9 – Any and all documents related to Mark Moreno and any entity(ies), including motor carriers, employing Mark Moreno, including any documents related to the employment of Mark Moreno by an interstate carrier.

REQUEST NO. 10 – Any and all document related to any shipments, transportations, and/or moves of household goods you “referred” to Mark Moreno in 2006 and 2007.

REQUEST NO. 11 – Any and all documents related to any steps or inquiries you made to determine the motor carrier interstate registration / authority status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to “referring” the move of household goods for shipper Coogan.

REQUEST NO. 12 – Any and all documents related to your United States Department of Transportation (USDOT) number and Motor Carrier (MC) number, including but not limited to applications, forms, correspondence, notices, and decisions.

REQUEST NO. 13 – Any and all documents related to your authority / registration (as those terms are used and defined in 49 U.S.C. §§ 13901 et. seq. and 49 C.F.R. §§ 390.5 and 392.9a(a)) including but not limited to applications, forms, correspondence, notices, and decisions.

REQUEST NO. 14 – Any and all documents related to any and all interstate transportations, including interstate transportations and/or moves of household goods, made by you in 2006 and 2007.

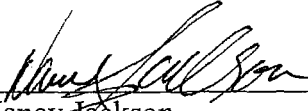
REQUEST NO. 15 – Any and all lease agreements you had in effect in 2006 and 2007 with motor carriers and/or owner/operators for the transportation of household goods.

REQUEUST NO. 16 – Any and all documents obtained, referred to, or identified by you in connection with you Answers to Interrogatories and/or Requests for Admissions which are not otherwise produced in response to the Request for Interrogatories or Request Numbers 1-15 of this Request for Production of Documents.

Attorneys for the Claimant

Date: January 8, 2009

By:



Nancy Jackson

Office of Chief Counsel

Federal Motor Carrier Safety Administration

12600 West Colfax Avenue, Suite B-300

Lakewood, Colorado 80215


303-407-2363

303-407-2339 (Fax)

CERTIFICATE OF SERVICE

This is to certify that on the 8th of January 2009, the undersigned served, as specified, the designated number of copies of Claimant's First Request for Production of Documents to each of the parties listed below:

John L. Gamboa Acuff Gamboa & White, L.L.P. Attorneys for Respondent 2501 Parkview Drive, Suite 405 Fort Worth, Texas 76102-5816	Original Federal Express FedEx # 7972 3114 8791
Joanne A. Cisneros Division Administrator Federal Motor Carrier Safety Administration Texas Division 903 San Jacinto Blvd. Austin, Texas 78701	One Copy Internal Mail
Nancy Jackson Office of Chief Counsel Federal Motor Carrier Safety Administration Western Service Center 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215	One Copy Internal Mail
Darrell L. Ruban Field Administrator c/o Paula Smith Federal Motor Carrier Safety Administration Southern Service Center 1800 Century Blvd Suite 1700 Atlanta, GA 30345	One Copy Federal Express FedEx # 7972 3122 9424



Attachment I

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF & GAMBOA, L.L.P.

2501 Parkview Drive, Suite 405

Fort Worth, Texas 76102-5816

Phone: (817) 885-8500

Fax: (817) 885-8504

DATE: February 24, 2009

TO: Nancy Jackson 303-407-2339

FROM: Tamara Null, Legal Assistant to John L. Gamboa

RE: Docket No. FMCSA-2007-0089; In the Matter of Accent Movers, Inc.,
Respondent

NUMBER OF PAGES INCLUDING COVER PAGE:

SPECIAL MESSAGE:

☒ Original will follow via: ☐ Original will not follow
☐ Regular Mail
☐ Overnight Delivery
☐ Hand Delivery
☐ Certified Mail RRR

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to ACUFF & GAMBOA, LLP that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying, distribution or taking of any action in reliance on, or with respect to, the contents of this telecopier information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified as the sending person by telephone at the number set forth above to arrange for return of the original documents to us.

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of

ACCENT MOVERS, INC.

Respondent.

§
§
§
§
§
§
§
§

Docket No. FMCSA-2007-0089
(Federal Motor Carrier Safety Administration)

**RESPONDENT'S RESPONSES TO FMCSA'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FROM: ACCENT MOVERS, INC.

REQUEST NO. 1 - Incorporation and fictitious business name documents and filings for Respondent.

RESPONSE: ATTACHED

REQUEST NO. 2 - Any and all exhibits you intend to introduce at hearing.

RESPONSE: NONE

REQUEST NO. 3 - Any and all documents used by any witness you intend to call at hearing to form the basis of opinion testimony.

RESPONSE: NONE

REQUEST NO. 4 - Any and all documents related your employment of, contracting with, agreement with, association with and/or relationship to Mark Moreno, including but not limited to all contracts, agreements leasing arrangements, and/or employment records and documents.

RESPONSE: NONE

REQUEST NO. 5 - Any and all documents related your payment of monies, sums and/or compensation, in any form for any purpose, to Mark Moreno for the years 2006 and 2007..

RESPONSE: NONE

REQUEST NO. 6 - Any and all documents related to arrangement for and/or the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006 including copies of any and all communications with shipper Coogan, email or otherwise.

RESPONSE: NONE, copies were produced during investigations, but not retained.

REQUEST NO. 7 - Any and all documents related to monies, sums, and/or compensation, in any form for any purpose, paid or received by you related to the arrangement, shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

RESPONSE: NONE

REQUEST NO. 8 - Any and all documents related to your contention that "Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past".

RESPONSE: NONE

REQUEST NO. 9 - Any and all documents related to Mark Moreno and any entities including motor carriers, employing Mark Moreno, including any documents related to the employment of Mark Moreno by an interstate carrier.

RESPONSE: NONE

REQUEST NO. 10 - Any and all document related to any shipments, transportations, and/or moves of household goods you "referred" to Mark Moreno in 2006 and 2007.

RESPONSE: NONE

REQUEST NO. 11 - Any and all documents related to any steps or inquiries you made to determine the motor carrier interstate registration/authority status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: NONE

REQUEST NO. 12 - Any and all documents related to your USDOT number and MC number,

including but not limited to applications, forms, correspondence, notices and decisions.

RESPONSE: NONE

REQUEST NO. 13 - Any and all documents related to your authority/registration (as those terms are used and defined in 49 U.S.C. §§ 13901 et. seq. And 49 C.F.R. §§ 390.5 and 392.9a(a)) including but not limited to applications, forms, correspondence, notices, and decisions.

RESPONSE: NONE

REQUEST NO. 14 - Any and all documents related to any and all interstate transportations, including interstate transportations and/or moves of household goods, made by you in 2006 and 2007.

RESPONSE: NONE

REQUEST NO. 15 - Any and all lease agreements you had in effect in 2006 and 2007 with motor carriers and/or owner/operators for the transportation of household goods.

RESPONSE: NONE

REQUEST NO. 16 - Any and all documents obtained, referred to, or identified by you in connection with your Answers to Interrogatories and/or Requests for Admissions which are not otherwise produced in response to the Request for Interrogatories or Request Numbers 1-15 of this Request for Production of Documents.

RESPONSE: NONE

Respectfully submitted,
ACUFF & GAMBOA, L.L.P.

BY: 

John L. Gamboa
State Bar No. 07606000
2501 Parkview Drive, Suite 405
Fort Worth, TX 76102
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

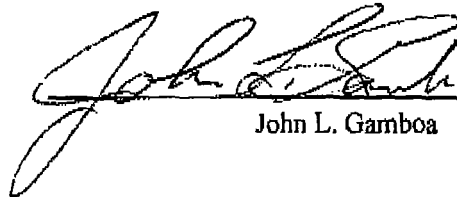
This is to certify that the above and foregoing instrument has been served on the following in accordance with the applicable rules on this the 24 day of February, 2009:

Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, Texas 78701
Certified Mail RRR

Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
Western Service Center
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
VIA FAX: 303-407-2339

Darrell L. Ruban
Field Administrator
c/o Paula Smith
Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

BY:


John L. Gamboa

EXHIBIT



The State of Texas

SECRETARY OF STATE CERTIFICATE OF INCORPORATION OF

ACCENT MOVERS, INC.

CHARTER NO. # 1109119

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation duly signed pursuant to the provisions of the Texas Business Corporation Act, have been received in this Office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a corporate name in this State in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated MARCH 27, 19 89.



Lawrence M. Rogers

Secretary of State

ERG

EXHIBIT

2

ARTICLES OF INCORPORATION

OF

ACCENT MOVERS, INC.

FILED
In the Office of the
Secretary of State of Texas

MAR 27 1989

Corporations Section

I, Lee M. Smith the undersigned natural person of the age of twenty-one years or more, a citizen of the State of Texas, acting as the Incorporator of ACCENT MOVERS, INC. under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE ONE

The name of the corporation is ACCENT MOVERS, INC..

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose for which this corporation is organized is to engage in any lawful act or activity for which a corporation may be organized under the laws of the State of Texas.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have the authority to issue is 10,000 shares, each with a par value of No par.

ARTICLE FIVE

The corporation will not commence business until it has received for the issuance of its shares consideration of the value of One Thousand (\$1,000.00), consisting of money, labor done, or property actually received, which sum shall not be less than One Thousand Dollars (\$1,000).

ARTICLE SIX

The address of the corporation's initial registered office and the name of its initial registered agent at such address is:

NameAddress

Allen D'Shane Gibson

1244 Southridge Court,
Suite 102, Hurst, TX 76053

ARTICLE SEVEN

The number of directors constituting the initial Board of Directors is , and the names and addresses of the persons who are to serve as Directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

NameAddress

Allen D'Shane Gibson

2311 East Loop 820 North,
Fort Worth, Texas 76118

Mandy Carpenter

2311 East Loop 820 North,
Fort Worth, Texas 76118

ARTICLE EIGHT


The name and address of the Incorporator is:

Name

Lee M. Smith

Address1244 Southridge Court,
Suite 102, Hurst, Texas 76053


IN WITNESS WHEREOF, I have hereunto set my hand this

22ND day of March, 1989.
Lee M. Smith, Incorporator

THE STATE OF TEXAS *

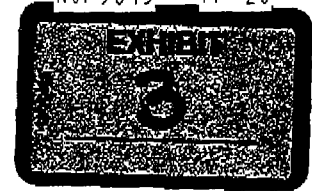
COUNTY OF Tarrant *

I, Saura R. Rex, a notary public, do hereby certify that on this 22nd day of March, 1989 personally appeared before me, Lee M. Smith who being by me first duly sworn, declared that he is the person who signed the foregoing document as Incorporator, and that the statements therein contained are true to the best of his knowledge and belief.


Notary Public in and for Tarrant
County, Texas

My Commission Expires:

8/29/92



MINUTES OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

The organization meeting of directors was held at
1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053
on April 2, 1989 at 4:00 P.M.

The following were present

Shane Gibson

Mandy Carpenter

being all the directors of the corporation.

Shane Gibson was appointed chairman of the
meeting and Mandy Carpenter was appointed secretary.

The secretary then presented and read to the meeting the
waiver of notice of the meeting, subscribed by all the directors
named in the articles of incorporation, and it was ordered that it
be appended to the minutes of the meeting.

The secretary then presented and read to the meeting a
copy of the articles of incorporation and reported that on
the original thereof was filed in the
office of the Secretary of State of the State of Texas and that
the Secretary of State issued a formal Certificate of Incorporation
to the company on that date. The secretary presented the Certificate
of Incorporation annexed to an approved duplicate of the articles
of incorporation as filed and it was ordered appended to the
minutes of the meeting.

The secretary then presented to the meeting the resignation of all the directors of the corporation, and it was ordered that they be filed with the minutes of the meeting.

RESOLVED that the resignation of directors as presented to the meeting are hereby approved and accepted and they are to take affect at the close of the organization meeting.

The chairman then stated that nominations were in order for election of directors of the corporation to hold office until the first annual meeting of shareholders and until their successors shall be elected and shall qualify.

The following persons were nominated:

Shane Gibson

Mandy Carpenter

No further nominations being made nominations were closed and a vote was taken.

After the vote had been counted, the chairman declared that the foregoing named nominees were elected directors of the corporation. The chairman then stated that the newly elected directors would assume their responsibilities immediately.

The secretary then presented a proposed form of by-laws prepared by

counsel to the corporation. The proposed by-laws were read to the meeting, considered and upon motion duly made, seconded and carried, were adopted as and for the by-laws of the corporation and ordered appended to the minutes of the meeting.

The chairman of the meeting then called for the election of officers of the corporation. The following persons were nominated to the office preceding their name:

president Shane Gibson

vice-president

secretary Mandy Carpenter

treasurer

No further nominations being made the nominations were closed and the directors proceeded to vote on the nominees. The chairman announced that the foregoing nominees were elected to the offices set before their respective names.

The secretary submitted to the meeting a seal proposed for use as the corporate seal, a specimen share certificate proposed for use as the corporate certificate for shares the corporate record book, and the share transfer ledger. Upon motion duly made, seconded and carried, it was

RESOLVED, that the seal now presented at this meeting, an impression of which is directed to be made in the minutes of this meeting, be and the same hereby is adopted as the seal of the corporation, and further

RESOLVED, that the specimen share certificate presented to this meeting be and hereby is adopted as the form of certificate for shares to be issued to represent shares in the corporation, and further

RESOLVED, that the corporate record book, including the share transfer ledger, be and hereby is adopted as the record book and share transfer ledger of the corporation.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the treasurer of the corporation be and hereby is authorized to pay all charges and expenses incident to or arising out of the organization of the corporation and to reimburse any person who has made any disbursement therefor.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that an office of the corporation be established and maintained at _____ in the City of _____ State of _____ and that meetings of the board of directors from time to time may be held either at the principal office or at such other place as the board of directors shall from time to time order.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to do business in any state, territory or dependency of the United States or any foreign country in which it is necessary or expedient for this corporation to transact business, the proper officers of this corporation are hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate and change the location of all necessary statutory offices and, under the corporate seal, to make and file all necessary certificates, reports, powers of attorney and other instruments as may be required by the laws of such state, territory, dependency or country to authorize the corporation to transact business therein.

The chairman then stated that it was desirable to designate a depository for the funds of the corporation. Thereupon, on motion duly made, seconded and unanimously adopted, it was

RESOLVED, that the treasurer be and hereby is authorized to open a bank account in behalf of the corporation with

located at
and a resolution for that purpose on the printed form of said
bank was adopted and was ordered appended to the minutes of
this meeting.

The secretary then presented to the meeting a written proposal from
dated _____ and addressed to this corporation.
ration.

Upon motion duly made, seconded and carried, the said proposal was ordered filed with the secretary, and he was requested to append a copy of the proposal to the minutes.

The proposal was taken up for consideration and the following resolution was on motion unanimously adopted

WHEREAS, a written proposal has been made to this corporation which proposal has been appended to these minutes, and

WHEREAS, in the judgment of the board of directors the assets proposed to be transferred to the corporation are reasonably worth the amount of the consideration demanded therefor, and that it is in the best interests of this corporation to accept the said offer as set forth in said proposal,

NOW THEREFORE, IT IS RESOLVED that said offer, as set forth in said proposal, be and the same hereby is approved and accepted, and that in accordance with the terms thereof, this corporation shall as full payment for said property issue to said offeror(s) or nominee(s) fully paid and non-assessable shares of this corporation, and it is

FURTHER RESOLVED, that upon the delivery to this corporation of said assets and the execution and delivery of such proper instruments as may be necessary to transfer and convey the same to this corporation, the officers of this corporation are authorized and directed to execute and deliver the certificate or certificates for such shares as are required to be issued and delivered on acceptance of said offer in accordance with the foregoing.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the board of directors of the corporation be, and it hereby is, authorized to issue from time to time the authorized shares of capital stock of the corporation for money paid labor done or personal property or real estate or leases thereof actually acquired by the corporation, upon such terms as the board of directors in its discretion may determine.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the corporation proceed to carry on the business for which it was incorporated, and further

RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on motion duly made, seconded and carried, the meeting was adjourned.

Dated: April 2, 1989



chairman


secretary

A true copy of each of the following papers referred to in the foregoing minutes is appended hereto:

Waiver of notice of the meeting
Certificate of Incorporation and articles of incorporation
Resignation of directors
By-laws
Specimen share certificates
Resolution designating depository of funds

WAIVER OF NOTICE OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

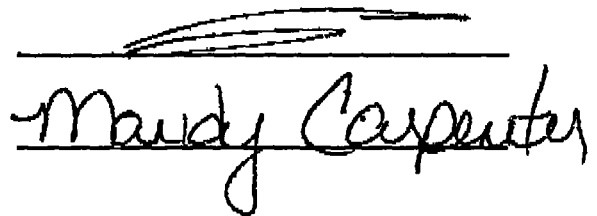
ACCENT MOVERS, INC.

We, the undersigned, being all the directors named in the articles of incorporation of the above corporation hereby agree and consent that the organization meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting 1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053

Date of meeting April 2, 1989

Time of meeting 4:00 p.m.



Dated:

Attachment J

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACUFF & GAMBOA, L.L.P.

ATTORNEYS AT LAW
PARK PLAZA BUILDING
2501 PARKVIEW DRIVE, SUITE 405
FORT WORTH, TEXAS 76102-5816

817/885-8500

FAX 817/885-8504

February 25, 2009

Sent via Fax 303-407-2339

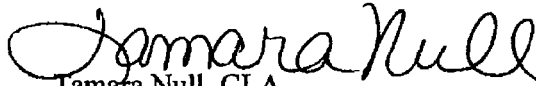
Nancy Jackson
Federal Motor Carrier Safety
Western Service Center
12600 W. Colfax Ave., Suite B300
Denver, CO 80215

RE: Docket No. FMCSA-2007-0089; In the Matter of Accent Movers, Inc.

Dear Ms. Jackson:

Enclosed please find the original and one copy of Respondent's Responses to FMCSA'S First Set of Interrogatories and Respondent's Responses to FMCSA'S First Request for Production of Documents.

Very truly yours,



Tamara Null, CLA
Legal Assistant for
JOHN L. GAMBOA

JLG/tn
Enclosures

cc: ONE COPY

Sent via CMRRR 7007 0710 0004 7456 8466

Darrell L. Ruban, Field Administrator Federal Motor Carrier Safety Administration Southern Service Center
1800 Century Blvd., Suite 1700
Atlanta, GA 30345

Sent via CMRRR 7007 0710 0004 7456 8473

Joanne A. Cisneros
Texas Division Administrator
Federal Motor Carrier Safety Administration 903 San Jacinto Blvd.
Austin, TX 78701

Sent via Fax 202-366-7536

The Honorable Richard C. Goodwin

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of

ACCENT MOVERS, INC.

Respondent.

§
§
§
§
§
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§

Docket No. FMCSA-2007-0089
(Federal Motor Carrier Safety Administration)

**RESPONDENT'S RESPONSES TO FMCSA'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

FROM: ACCENT MOVERS, INC.

REQUEST NO. 1 - Incorporation and fictitious business name documents and filings for Respondent.

RESPONSE: ATTACHED

REQUEST NO. 2 - Any and all exhibits you intend to introduce at hearing.

RESPONSE: NONE

REQUEST NO. 3 - Any and all documents used by any witness you intend to call at hearing to form the basis of opinion testimony.

RESPONSE: NONE

REQUEST NO. 4 - Any and all documents related your employment of, contracting with, agreement with, association with and/or relationship to Mark Moreno, including but not limited to all contracts, agreements leasing arrangements, and/or employment records and documents.

RESPONSE: NONE

REQUEST NO. 5 - Any and all documents related your payment of monies, sums and/or compensation, in any form for any purpose, to Mark Moreno for the years 2006 and 2007.

RESPONSE: NONE

REQUEST NO. 6 - Any and all documents related to arrangement for and/or the shipment, transportation and/or move of household goods for shipper Coogan in or about August and September 2006 including copies of any and all communications with shipper Coogan, email or otherwise.

RESPONSE: NONE, copies were produced during investigations, but not retained.

REQUEST NO. 7 - Any and all documents related to monies, sums, and/or compensation, in any form for any purpose, paid or received by you related to the arrangement, shipment, transportation and/or move of household goods for shipper Coogan in or about September 2006.

RESPONSE: NONE

REQUEST NO. 8 - Any and all documents related to your contention that "Accent Movers, Inc. referred the move to Moreno assuming that he was a driver employed by an interstate carrier, as had been in the past".

RESPONSE: NONE

REQUEST NO. 9 - Any and all documents related to Mark Moreno and any entities including motor carriers, employing Mark Moreno, including any documents related to the employment of Mark Moreno by an interstate carrier.

RESPONSE: NONE

REQUEST NO. 10 - Any and all document related to any shipments, transportations, and/or moves of household goods you "referred" to Mark Moreno in 2006 and 2007.

RESPONSE: NONE

REQUEST NO. 11 - Any and all documents related to any steps or inquiries you made to determine the motor carrier interstate registration/authority status of Mark Moreno and/or any person and/or motor carrier employing Mark Moreno prior to "referring" the move of household goods for shipper Coogan.

RESPONSE: NONE

REQUEST NO. 12 - Any and all documents related to your USDOT number and MC number,

including but not limited to applications, forms, correspondence, notices and decisions.

RESPONSE: NONE

REQUEST NO. 13 - Any and all documents related to your authority/registration (as those terms are used and defined in 49 U.S.C. §§ 13901 et. seq. And 49 C.F.R. §§ 390.5 and 392.9a(a)) including but not limited to applications, forms, correspondence, notices, and decisions.

RESPONSE: NONE

REQUEST NO. 14 - Any and all documents related to any and all interstate transportations, including interstate transportations and/or moves of household goods, made by you in 2006 and 2007.

RESPONSE: NONE

REQUEST NO. 15 - Any and all lease agreements you had in effect in 2006 and 2007 with motor carriers and/or owner/operators for the transportation of household goods.

RESPONSE: NONE

REQUEST NO. 16 - Any and all documents obtained, referred to, or identified by you in connection with your Answers to Interrogatories and/or Requests for Admissions which are not otherwise produced in response to the Request for Interrogatories or Request Numbers 1-15 of this Request for Production of Documents.

RESPONSE: NONE

Respectfully submitted,
ACUFF & GAMBOA, L.L.P.

BY 

John L. Gamboa
State Bar No. 07606000
2501 Parkview Drive, Suite 405
Fort Worth, TX 76102
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

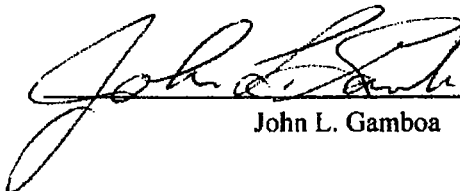
This is to certify that the above and foregoing instrument has been served on the following in accordance with the applicable rules on this the 24 day of February, 2009:

Joanne A. Cisneros, Texas Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, Texas 78701
Certified Mail RRR

Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
Western Service Center
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
VIA FAX: 303-407-2339

Darrell L. Ruban
Field Administrator
c/o Paula Smith
Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd, Suite 1700
Atlanta, GA 30345-3104
Certified Mail RRR

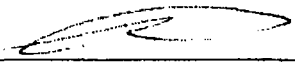
BY:


John L. Gamboa

VERIFICATION

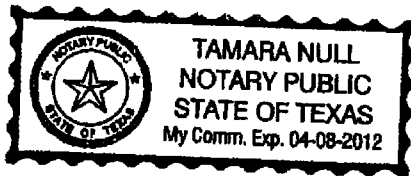
THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

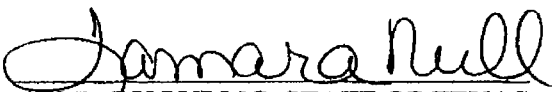
On this day came before me, the undersigned Notary Public, Shane Gibson, and after being duly sworn stated under oath that he is the Respondent in this action; that he has read the attached Response which is within his personal knowledge and the Response is true and correct.



Shane Gibson

SUBSCRIBED AND SWORN TO before me on this the 25th day of Feb. 2009, to certify which witness my hand and seal of office.





NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT



The State of Texas

SECRETARY OF STATE CERTIFICATE OF INCORPORATION

OF

ACCENT MOVERS, INC.

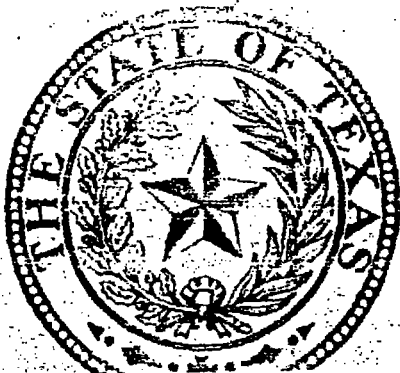
CHARTER NO. # 1109119

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above corporation duly signed pursuant to the provisions of the Texas Business Corporation Act, have been received in this Office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation and attaches hereto a copy of the Articles of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a corporate name in this State in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated MARCH 27, 19 89.



Paul M. Rogers

Secretary of State

ERG

EXHIBIT

ARTICLES OF INCORPORATION

OF

ACCENT MOVERS, INC.

FILED
In the Office of the
Secretary of State of Texas

MAR 27 1989

Corporations Section

I, Lee M. Smith the undersigned natural person of the age of twenty-one years or more, a citizen of the State of Texas, acting as the Incorporator of ACCENT MOVERS, INC. under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE ONE

The name of the corporation is ACCENT MOVERS, INC..

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose for which this corporation is organized is to engage in any lawful act or activity for which a corporation may be organized under the laws of the State of Texas.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have the authority to issue is 10,000 shares, each with a par value of No par.

ARTICLE FIVE

The corporation will not commence business until it has received for the issuance of its shares consideration of the value of One Thousand (\$1,000.00), consisting of money, labor done, or property actually received, which sum shall not be less than One Thousand Dollars (\$1,000).

ARTICLE SIX

The address of the corporation's initial registered office and the name of its initial registered agent at such address is:

Name

Allen D'Shane Gibson

Address

1244 Southridge Court,
Suite 102, Hurst, TX 76053

ARTICLE SEVEN

The number of directors constituting the initial Board of Directors is , and the names and addresses of the persons who are to serve as Directors until the first annual meeting of the shareholders or until their successors are elected and qualified are:

Name

Allen D'Shane Gibson

Mandy Carpenter

Address

2311 East Loop 820 North,
Fort Worth, Texas 76118

2311 East Loop 820 North,
Fort Worth, Texas 76118

ARTICLE EIGHT

The name and address of the Incorporator is:

Name

Address

Lee M. Smith

1244 Southridge Court,
Suite 102, Hurst, Texas 76053

IN WITNESS WHEREOF, I have hereunto set my hand this


22ND day of March, 1989.


Lee M. Smith, Incorporator

THE STATE OF TEXAS *

COUNTY OF Tarrant *

I, Saura R. Rex, a notary public, do hereby certify that on this 22nd day of March, 1989 personally appeared before me, Lee M. Smith who being by me first duly sworn, declared that he is the person who signed the foregoing document as Incorporator, and that the statements therein contained are true to the best of his knowledge and belief.


Notary Public in and for Tarrant
County, Texas

My Commission Expires:

8/29/92



MINUTES OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

The organization meeting of directors was held at
1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053
on April 2, 1989 at 4:00 P.M.

The following were present

Shane Gibson

Mandy Carpenter

being all the directors of the corporation.

Shane Gibson was appointed chairman of the
meeting and Mandy Carpenter was appointed secretary.

The secretary then presented and read to the meeting the
waiver of notice of the meeting, subscribed by all the directors
named in the articles of incorporation, and it was ordered that it
be appended to the minutes of the meeting.

The secretary then presented and read to the meeting a
copy of the articles of incorporation and reported that on
the original thereof was filed in the
office of the Secretary of State of the State of Texas and that
the Secretary of State issued a formal Certificate of Incorporation
to the company on that date. The secretary presented the Certificate
of Incorporation annexed to an approved duplicate of the articles
of incorporation as filed and it was ordered appended to the
minutes of the meeting.

The secretary then presented to the meeting the resignation of all the directors of the corporation, and it was ordered that they be filed with the minutes of the meeting.

RESOLVED that the resignation of directors as presented to the meeting are hereby approved and accepted and they are to take affect at the close of the organization meeting.

The chairman then stated that nominations were in order for election of directors of the corporation to hold office until the first annual meeting of shareholders and until their successors shall be elected and shall qualify.

The following persons were nominated:

Shane Gibson

Mandy Carpenter

No further nominations being made nominations were closed and a vote was taken.

After the vote had been counted, the chairman declared that the foregoing named nominees were elected directors of the corporation. The chairman then stated that the newly elected directors would assume their responsibilities immediately.

The secretary then presented a proposed form of by-laws prepared by

counsel to the corporation. The proposed by-laws were read to the meeting, considered and upon motion duly made, seconded and carried, were adopted as and for the by-laws of the corporation and ordered appended to the minutes of the meeting.

The chairman of the meeting then called for the election of officers of the corporation. The following persons were nominated to the office preceding their name:

president Shane Gibson

vice-president

secretary Mandy Carpenter

treasurer

No further nominations being made the nominations were closed and the directors proceeded to vote on the nominees. The chairman announced that the foregoing nominees were elected to the offices set before their respective names.

The secretary submitted to the meeting a seal proposed for use as the corporate seal, a specimen share certificate proposed for use as the corporate certificate for shares the corporate record book, and the share transfer ledger. Upon motion duly made, seconded and carried, it was

RESOLVED, that the seal now presented at this meeting, an impression of which is directed to be made in the minutes of this meeting, be and the same hereby is adopted as the seal of the corporation, and further

RESOLVED, that the specimen share certificate presented to this meeting be and hereby is adopted as the form of certificate for shares to be issued to represent shares in the corporation, and further

RESOLVED, that the corporate record book, including the share transfer ledger, be and hereby is adopted as the record book and share transfer ledger of the corporation.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the treasurer of the corporation be and hereby is authorized to pay all charges and expenses incident to or arising out of the organization of the corporation and to reimburse any person who has made any disbursement therefor.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that an office of the corporation be established and maintained at
in the City of State of
and that meetings of the board of directors from time to time may be held either at the principal office or at such other place as the board of directors shall from time to time order.

Upon motion, duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to do business in any state, territory or dependency of the United States or any foreign country in which it is necessary or expedient for this corporation to transact business, the proper officers of this corporation are hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate and change the location of all necessary statutory offices and, under the corporate seal, to make and file all necessary certificates, reports, powers of attorney and other instruments as may be required by the laws of such state, territory, dependency or country to authorize the corporation to transact business therein.

The chairman then stated that it was desirable to designate a depository for the funds of the corporation. Thereupon, on motion duly made, seconded and unanimously adopted, it was

RESOLVED, that the treasurer be and hereby is authorized to open a bank account in behalf of the corporation with

located at
and a resolution for that purpose on the printed form of said bank was adopted and was ordered appended to the minutes of this meeting.

The secretary then presented to the meeting a written proposal from _____ dated _____ and addressed to this corporation.

Upon motion duly made, seconded and carried, the said proposal was ordered filed with the secretary, and he was requested to append a copy of the proposal to the minutes.

The proposal was taken up for consideration and the following resolution was on motion unanimously adopted

WHEREAS, a written proposal has been made to this corporation which proposal has been appended to these minutes, and

WHEREAS, in the judgment of the board of directors the assets proposed to be transferred to the corporation are reasonably worth the amount of the consideration demanded therefor, and that it is in the best interests of this corporation to accept the said offer as set forth in said proposal,

NOW THEREFORE, IT IS RESOLVED that said offer, as set forth in said proposal, be and the same hereby is approved and accepted, and that in accordance with the terms thereof, this corporation shall as full payment for said property issue to said offeror(s) or nominee(s) _____ fully paid and non-assessable shares of this corporation, and it is

FURTHER RESOLVED, that upon the delivery to this corporation of said assets and the execution and delivery of such proper instruments as may be necessary to transfer and convey the same to this corporation, the officers of this corporation are authorized and directed to execute and deliver the certificate or certificates for such shares as are required to be issued and delivered on acceptance of said offer in accordance with the foregoing.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the board of directors of the corporation be, and it hereby is, authorized to issue from time to time the authorized shares of capital stock of the corporation for money paid labor done or personal property or real estate or leases thereof actually acquired by the corporation, upon such terms as the board of directors in its discretion may determine.

Upon motion duly made, seconded and carried, it was

RESOLVED, that the corporation proceed to carry on the business for which it was incorporated, and further

RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on motion duly made, seconded and carried, the meeting was adjourned.

Dated: April 2, 1989



chairman


secretary

A true copy of each of the following papers referred to in the foregoing minutes is appended hereto:

Waiver of notice of the meeting
Certificate of Incorporation and articles of incorporation
Resignation of directors
By-laws
Specimen share certificates
Resolution designating depository of funds

WAIVER OF NOTICE OF THE ORGANIZATION MEETING OF THE DIRECTORS OF

ACCENT MOVERS, INC.

We, the undersigned, being all the directors named in the articles of incorporation of the above corporation hereby agree and consent that the organization meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of meeting 1244 South Ridge Ct., Ste. 102, Hurst, Texas 76053

Date of meeting April 2, 1989

Time of meeting 4:00 p.m.



Dated:

SERVED MARCH 11, 2009

**U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC**

**IN THE MATTER OF
ACCENT MOVERS, INC.**

**FMSCA 2007-0089
(Civil Penalty Action)**

AMENDED NOTICE OF HEARING DATES

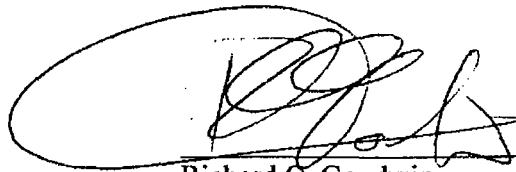
NOTICE IS HEREBY GIVEN that testimony and evidence will be heard and considered on **June 15-19, 2009**, inclusive, in the National Transportation Safety Board Hearing, Room, 624 Six Flags Drive, Suite 150, Arlington, Texas, 76011. Hearings will commence at 9:00 a.m. and conclude at 4:30 p.m. each day. The parties should vacate the courthouse on or before 5:00 p.m. each day.

The hearing scheduled for March 16 through 20, 2009 be and is hereby continued to the new hearing date. Paragraph #2 of our Procedural Order is modified to read as follows:

...On or before June 1, 2009 the parties shall conclude all discovery...

Settled cases will not be removed from the docket until the Judge receives the proper pleading(s). Pleadings may be forwarded by fax, express mail, courier or postal service.

SO ORDERED.



Richard C. Goodwin
U.S. Administrative Law Judge

Attachment – Service List

SERVICE LIST
ORIGINAL & ONE COPY

U.S. DOT Dockets
U.S. Department of Transportation
400 7th Street, S.W., Room PL-401
Washington, DC 20590

ONE COPY

John L. Gambo, Esq.
Attorney for Respondent
Acuff Gamboa & White L.L.P.
405 Park Plaza
2501 Parkview Drive
Fort Worth, TX 76102
TEL: (817) 885-8500
FAX: (817) 885-8504

Nancy Jackson
Federal Motor Carrier Safety Administration
Western Service Center
12600 W. Colfax Ave., Suite B300
Denver, CO 80215
TEL: (303) 407-2363
FAX: (303) 407-2339

Darrell L. Ruban, Field Administrator
Federal Motor Carrier Safety Administration
Southern Service Center
1800 Century Blvd., Suite 1700
Atlanta, GA 30345

Joanne A. Cisneros
Texas Division Administrator
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd.
Austin, TX 78701

The Honorable Richard C. Goodwin
Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
400 Seventh Street, S.W., Room 5411
Washington, DC 20590
TEL: Attorney-Advisor (202) 366-2139; Legal Assistant (202) 366-5121 FAX: (202) 366-7536

Attachment K

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.**

In the Matter of:

Accent Movers, Inc.,

Respondent.

)
) **Docket No. FMCSA-2007-0089**
)
) **(Federal Motor Carrier Safety**
) **Administration)**
)
)
) **Honorable Richard C. Goodwin**
) **Administrative Law Judge**
)

**DECLARATION OF JEFF LANGLOSS IN SUPPORT OF CLAIMANT'S
MOTION FOR SUMMARY JUDGMENT**

Jeff Langloss declares and states:

1. I am employed as a Federal Program Manager for the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), Texas Division. I make this declaration based on my personal knowledge and my review of records, including, but not limited to, records collected and maintained by the FMCSA in the performance of official duties, records required to be maintained by statute and regulations, records obtained from the carrier and other sources including the shipper, and records obtained from other governmental entities.

2. Accent Movers is a for-hire motor carrier transporting household goods in commerce.
3. In December 1997 Accent Movers applied for and was granted operating authority/registration as an interstate motor carrier of household goods. Accent Movers operating authority/registration was subsequently revoked on June 16, 1998 for failure to comply with financial responsibility requirements, including the requirement of maintaining evidence of adequate insurance on file with the Agency. Accent Movers' operating authority/registration was not reinstated, and has remained revoked since 1998. A copy of the information maintained by the FMCSA's Licensing and Insurance Division regarding the granting and subsequent revocation of Accent Movers' interstate operating authority/registration is attached hereto and identified as Exhibit 1.
4. According to records maintained by FMCSA, Accent Movers has been the subject of two compliance reviews prior to the review underlying this proceeding.
5. On or about March 20, 2006 Accent Movers filed a Motor Carrier Identification Report (Form MCS-150) with FMCSA. The filing of an MCS-150 is required by Federal Motor Carrier Safety Regulations (49 C.F.R. § 390.19) of each motor carrier that conducts operations in interstate commerce. In the MCS-150 Accent Movers identifies itself as an interstate for-hire motor carrier of household goods. The MCS-150 is signed by Shane Gibson, President, as verifying the accuracy of the information in the report and as certifying his familiarity with the Federal Motor Carrier Safety Regulations. A copy of the MCS-150 filed by Accent Movers dated March 20, 2006 is attached hereto and identified as Exhibit 2.

6. Accent Movers also advertised its services as including both intrastate and interstate transportation of household goods. A printout from Accent Movers website is attached hereto and identified as Exhibit 3. On its website Accent Movers stated that it conducts moves locally and “all over the country”, and lists both local and interstate moves with its services.
7. FMCSA received complaints regarding Accent Movers, including information that Accent Movers had transported household goods in interstate commerce from California to Texas in September 2006. As part of its investigation FMCSA obtained from the shipper documents related to the 2006 interstate transportation. A copy of the email from shipper Michele Coogan to FMCSA Investigator Leal transmitting copies of documents she maintained regarding the transportation of her household goods is attached hereto and identified as Exhibit 4. In her email Ms. Coogan tells the investigator that she paid Accent Movers \$5,000 for the transportation of her household goods; she initially made a down payment of \$1,000 and paid \$4,000 upon delivery.
8. Ms. Coogan forwarded to investigator Leal the email communications she had with Accent Movers arranging for Accent Movers to transport her household goods from California to Texas. A copy of the email communication from Accent Movers to shipper Coogan dated Thur. 31 Aug. 2006 09:39:47 subject titled “Accent Movers Confirmation for move” providing an estimate for the transportation of shipper Coogan’s household goods from California to Texas is attached hereto and identified as Exhibit 5. In the email estimate Accent Movers goes over the details of the transportation from the shipper and provides an

estimate of \$5,000 for the transportation. The estimate specifically notes the pickup location in California and destination in Texas. The estimate in boxed large type states "Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same" and "Your movers are scheduled to arrive between 8am – 10am on 9/8/2006". A copy of the email communication from Accent Movers to shipper Coogan dated Thur. 31 Aug. 2006 10:51:54 subject titled "Updated Quote for Moving" is attached hereto and identified as Exhibit 6. In the updated email Accent Movers provides an estimate of \$5,555.00 for the transportation of shipper Coogan's household goods from California to Texas. Again, the estimate in boxed large type states "Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same".

9. Ms. Coogan also forwarded to investigator Leal the email she received from Accent Movers of Accent Movers' confirmation for the transportation of her household goods from California to Texas. A copy of the email communication from Accent Movers to shipper Coogan dated Thur. 31 Aug. 2006 10:52:43 subject titled "Accent Movers Confirmation for Move" is attached hereto and identified as Exhibit 7. In the email string shipper Coogan notifies Accent Movers of additional items needing to be transported. Accent Movers tells Coogan that the cost should not increase much "because your main cost is the mileage and you've already been charged on that". In Accent Movers confirmation of the move its relocation specialist states "I just checked with Shane and your total will be \$5000.00".

10. Ms. Coogan also sent to Investigator Leal copies of the shipping documents she received from Accent Movers' driver, Mark Moreno. Accent Movers has verified that the shipping documents are fair and accurate copies of Accent Movers Household Goods Proposal and Contract of Moving Services for shipper Coogan. A copy of the shipping documents is attached hereto and identified as Exhibit 8.
11. Ms. Coogan also sent to Investigator Leal copies of her banking records showing the withdrawal payment to Accent Movers. A copy of the bank records as annotated by Ms. Coogan is attached hereto and identified as Exhibit 9.
12. FMCSA Investigator Leal conducted a compliance review of Accent Movers in May 2007. A copy of the report reflecting the findings of the investigator is attached hereto and identified as Exhibit 10.
13. During the compliance review Shane Gibson told Investigator Leal that Accent Movers operates mainly as an intrastate household goods motor carrier in Texas. The carrier transports household goods using Ford F-350 trucks with trailers; the combination units have a gross vehicle combination weight rating less than 26,000 pounds and greater than 10,001 pounds. Mr. Gibson confirmed that Accent Movers does not have operating authority/registration as an interstate motor carrier of household goods. During the compliance review Mr. Gibson also confirmed that Accent Movers had engaged in an interstate movement of household goods without having the required authority. Specifically, Mr. Gibson admitted that Accent Movers transported household goods for shipper Michelle Coogan from California to Texas with a pick up date of September 11, 2006 and a delivery date of September 15, 2006. The driver for the transportation was Mark

Moreno. A copy of the written statement of Shane Gibson signed May 17, 2007 during the compliance review is attached hereto and identified as Exhibit 11.

14. During the compliance review Investigator Leal questioned Shane Gibson regarding the employment of driver Mark Moreno. Mr. Gibson told the investigator that Mark Moreno was employed by Accent Movers from January 7, 2005 through January 10, 2007 and that Mr. Moreno operated a Black Ford F350 truck with trailers. Mr. Gibson hand wrote a document on which he details Mark Moreno's employment with Accent Movers. A copy of the document regarding Accent Movers' employment of Mark Moreno handwritten and signed by Shane Gibson on May 17, 2007 during the compliance review is attached hereto and identified as Exhibit 12.
15. Also during the compliance review Investigator Leal reviewed printouts entitled "Booked Search Results" for intrastate transportations of household goods made by Accent Movers in September 2006. The investigator noted several transportations listing Mark Moreno as a member of the assigned crew. A copy of the Booked Search Results, obtained from Accent Movers, is attached hereto and identified as Exhibit 13.
16. Ms. Coogan wrote a memorandum to Investigator Leal summarizing some of her recollections regarding Accent Movers' transportation of her household goods in September 2006. A copy of the written memorandum from Michelle Coogan dated February 11, 2009 is attached hereto and identified as Exhibit 14. Ms. Coogan informed Investigator Leal that she had originally contacted Accent Movers to move her household goods because she had gotten the motor carrier's

name through the niece of a friend who also acted as her realtor in Texas; she understood an employee of the realtor was the sister of the owner of Accent Movers. Ms. Coogan stated that she was unhappy when Mark Moreno arrived at her address to load her household goods and was operating a black truck with an attached 30 foot trailer; she had believed that her move would be made using a semi-truck and trailer. Mark Moreno told Ms. Coogan that he was sent by Accent Movers, but did not know anything about a semi-truck. Ms. Coogan stated she asked Mr. Moreno about going through weight scales and Mr. Moreno told her that they did not go through the scales, and that they just tell officials that the move is not for-hire and they are helping friends move. Ms. Coogan again stated she made two payments directly to Accent Movers, \$1,000 for down payment, and a \$4,000 money order made out to Accent Movers given to Mark Moreno at delivery.

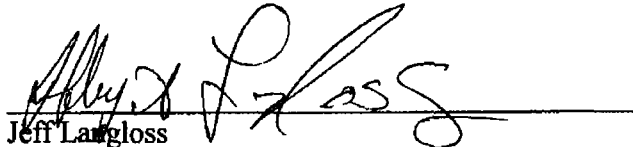
17. In May 2009 I contacted Ms. Coogan regarding Accent Movers' transportation of her household goods from California to Texas in September 2006. Ms. Coogan confirmed that she paid Accent Movers \$5,000 in two payments, a \$1,000 down payment and \$4,000 on delivery; both payments were made to, and in the name of, Accent Movers. Ms. Coogan also specifically remembers Mark Moreno stating he worked for Accent Movers. Additionally, Ms. Coogan remembers asking Mr. Moreno various questions about the move and Mr. Moreno repeatedly calling Shane Gibson for answers. One conversation she relayed to me involved her noticing that all of her household goods were not going to fit into the trailer being used for the transportation and her asking Mr. Moreno when Accent

Movers would be coming back to move the remainder of her goods. She recalls Mr. Moreno calling Shane Gibson, and then telling her that Accent Movers does not come into California often so they did not know when they would be back to pick up the remaining items. Ms. Coogan stated that at no time was she ever under the understanding or impression that her move was being handled by anyone other than Accent Movers. A copy of my summary of the conversation with Ms. Coogan is attached hereto and identified as Exhibit 15.

18. I also contacted the Texas Department of Transportation (TxDOT) on investigations of complaints they had received regarding Accent Movers. In information sent to me by TxDOT, I noticed that Mark Moreno was shown as an employee of Accent Movers in at least two transportations. In a report dated April 2006 of complaint investigations the TxDOT Investigator specifically notes that Mark Moreno was the representative of Accent Movers in a mediation involving a shipper claim against Accent Movers. The investigator noted that the mediator stated that Mark Moreno repeatedly contacted Shane Gibson during the mediation. The investigator further stated that he was told by Shane Gibson that Mark Moreno had full authority to represent Accent Movers in the mediation.

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge and belief.

Executed this 29 day of May 2009

A handwritten signature in black ink, appearing to read "Jeff Langloss", is written over a horizontal line.

Jeff Langloss
Federal Program Manager
Federal Motor Carrier Safety Administration
Texas Division

Exhibit 1

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Menu

Go

Motor Carrier Details

US DOT:	703784	Docket Number:	MC325452	
Legal Name:	ACCENT MOVERS, INC.			
Doing-Business-As Name:	ACCENT MOVERS			
Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
6401 BRADLEY, SUITE E HALTOM CITY TX 76117	(817) 834-5377			NO
Authority Type	Authority Status	Application Pending		
Common	INACTIVE	NO		
Contract	NONE	NO		
Broker	NONE	NO		
Property	Passenger	Household Goods	Private	Enterprise
NO	NO	YES	NO	NO
Insurance Type	Insurance Required	Insurance on File		
BIPD	\$750,000	\$0		
Cargo	YES	NO		
Bond	NO	NO		

BOC-3: NO

Older process agent filings may not be shown in the data base. To inquire if a carrier has process agents even if they are not shown here, please call 202-385-2423 M-F 8:00 AM - 4:30 PM EST or 202-385-2400 after hours and holidays to leave a message.

[Active/Pending Insurance](#) | [Rejected Insurance](#) | [Insurance History](#) | [Authority History](#) | [Pending Application](#) | [Revocation](#)

Friday, July 20, 2007 at 10:52:00

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United States Department of Transportation - Federal Motor Carrier Safety Administration



Menu Choose Menu Option



Authority History

US DOT:	703784	Docket Number:	MC325452			
Legal Name:	ACCENT MOVERS, INC.					
Sub	Auth Type		Original Action		Disposition	
	HOUSEHOLD GOODS COMMON CARRIER		GRANTED	12/24/1997	REVOKED	06/16/1998

[Carrier Details](#) | [Active/Pending Insurance](#) | [Rejected Insurance](#) | [Insurance History](#) | [Pending Application](#) | [Revocation](#) |

Friday , July 20, 2007 at 10:52:18

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United States Department of Transportation - Federal Motor Carrier Safety Administration

Exhibit 2

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

DMCL/4-12-06. @mcl/4-13-06/UPD.

Reference # 703784-12-22511-20060301

OMB No. 2128-0013

 U.S. Department of Transportation Federal Motor Carrier Safety Administration	MOTOR CARRIER IDENTIFICATION REPORT (Application for U.S. DOT Number)
---	---

REASON FOR FILING (Check Only One)

☐ NEW APPLICATION
 ☐ BIENNIAL UPDATE OR CHANGES
 ☐ OUT OF BUSINESS NOTIFICATION
 ☒ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER ACCENT MOVERS INC				2. TRADE OR D.B.A (DOING BUSINESS AS) NAME 123 31, INC							
3. PRINCIPAL STREET ADDRESS/ROUTE NUMBER 2616 WEAVER STREET			4. CITY HALTOM CITY		5. MAILING ADDRESS (P O BOX) 2616 WEAVER STREET		6. MAILING CITY HALTOM CITY				
7. STATE/PROVINCE TX		8. ZIP CODE+4 76117		9. COLONIA (MEXICO ONLY)		10. STATE/PROVINCE TX		11. ZIP CODE+4 76117		12. COLONIA (MEXICO ONLY)	
13. PRINCIPAL BUSINESS PHONE NUMBER (817) 834-5377				14. PRINCIPAL CONTACT CELLULAR PHONE NUMBER				15. PRINCIPAL BUSINESS FAX NUMBER (817) 834-3699			
16. USDOT NO. 703784		17. MC OR MX NO 325452		18. DUN & BROADSTREET NO.		19. IRS/TAX ID NO. EIN# 75-2317010 SSN#		20. INTERNET E-MAIL ADDRESS			

21. COMPANY OPERATION (Circle all that apply)

☒ Interstate Carrier
 B. Intrastate Hazmat Carrier
 C. Intrastate Non-Hazmat Carrier
 D. Interstate Shipper
 E. Intrastate Shipper
 F. Vehicle Registrant Only

22. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR
0 0

23. OPERATION CLASSIFICATION (Circle All that Apply)

☒ Authorized For-Hire
 D. Private Passengers (Business)
 G. U.S. Mail
 J. Local Government
 B. Exempt For-Hire
 E. Private Passengers (Non-Business)
 H. Federal Government
 K. Indian Tribe
 C. Private Property
 F. Migrant
 I. State Government
 L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)

A. GENERAL FREIGHT	F. LOGS, POLES	J. FRESH PRODUCE	P. GRAIN, FEED, HAY	V. COMMODITIES DRY BULK
<input checked="" type="checkbox"/> HOUSEHOLD GOODS	BEAMS, LUMBER	K. LIQUIDS/GASES	Q. COAL/COKE	W. REFRIGERATED FOOD
C. METAL SHEETS, COILS, ROLLS	G. BUILDING MATERIALS	L. INTERMODAL CONT.	R. MEAT	X. BEVERAGES
D. MOTOR VEHICLES	H. MOBILE HOMES	M. PASSENGERS	S. GARBAGE, REFUSE, TRASH	BB. CONSTRUCTION
E. DRIVE AWAY/TOWAWAY	I. MACHINERY	N. OIL FIELD EQUIPMENT	T. U.S. MAIL	Y. PAPER PRODUCTS
	LARGE OBJECTS	O. LIVESTOCK	U. CHEMICALS	Z. UTILITY
				AA. FARM SUPPLIES
				CC. WATER WELL
				DD. OTHER

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C - CARRIED S - SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGES

C S A. DIV 1.1	B NB C S K. DIV 2.2A (AMMONIA)	B NB C S U. DIV 4.2	B NB C S EE. HRCO	B NB
C S B. DIV 1.2	B NB C S L. DIV 2.3A	B NB C S V. DIV 4.3	B NB C S FF. CLASS 6	B NB
C S C. DIV 1.3	B NB C S M. DIV 2.3B	B NB C S W. DIV 5.1	B NB C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB C S N. DIV 2.3C	B NB C S X. DIV 5.2	B NB C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB C S O. DIV 2.3D	B NB C S Y. DIV 6.2	B NB C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB C S P. CLASS 3	B NB C S Z. DIV 6.1A	B NB C S JJ. ELEVATED TEMP MAT	B NB
C S G. DIV 2.1	B NB C S Q. CLASS 3A	B NB C S AA. DIV 6.1B	B NB C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1LPG	B NB C S R. CLASS 3B	B NB C S BB. DIV 6.1 Poison	B NB C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (METHANE)	B NB C S S. COMB LIQ	B NB C S CC. DIV 6.1 SOLID	B NB C S MM. HAZARDOUS SUB(RO)	B NB
C S J. DIV 2.2	B NB C S T. DIV 4.1	B NB C S DD. CLASS 7	B NB C S NN. HAZARDOUS WASTE	B NB
			C S OO. ORM	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	HazMat Cargo Tank Trucks	HazMat Cargo Tank Trailers	Motor Coach	School Bus	Mini-bus	Van	Limousine
							Number of vehicles carrying number of passengers (including the driver) below			
							1-8	9-15	16+	18+
OWNED	1		20							
TERM LEASED										
TRIP LEASED										

27. DRIVER INFORMATION

Within 100-Mile Radius

Beyond 100-Mile Radius

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes: No:

If Yes, enter your U.S. DOT Number: _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S) OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. SHANE GIBSON

(Please Print Name)

2. _____

(Please Print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, _____, certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or the Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct and complete.

Signature

Date 3-20-06

Title

President

(Please print)

Exhibit 3

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

ACCENT **MOVERS, INC.**

SERVICES

LOCAL MOVES

INTERSTATE MOVES

MOVING TIPS

REQUEST AN ESTIMATE

CONTACT US

TX DOT# 000537473b
TxDOT. (800)299-1700

DALLAS: 972.284.7767 FT WORTH: 817.834.5377 FAX: 817.834.3699

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ACCENT MOVERS, INC.

SERVICES

LOCAL MOVES

INTERSTATE MOVES

MOVING TIPS

REQUEST AN ESTIMATE

CONTACT US

DALLAS: 972.284.7767 FT WORTH: 817.834.5377 FAX: 817.834.3699

Services



Accent Movers, Inc. is a moving company specializing in relocating offices, home, and apartments in the DFW area as well as all over the country. Our moving contractors are professionals with at least two years of moving experience. Accent strives on repetitive quality customer satisfaction. We have been in business for over 12 years and are

locally owned and operated. Accent movers will provide you a one-on-one representative to accommodate your relocation needs and answer any question, as well as a crew leader on site to answer any questions. Please call anytime if we can assist you in any way.

Accent Movers, Inc. is able to completely furnish the following services upon request:

- Truck loading/unloading
- Box unpacking/packing
- Same day service (most cases)
- Hourly rates
- Crating
- Dissassembly/reassembly
- Single item moves
- Guaranteed quotes (w/list)
- Storage
- Inner office/house
- Hoisting

In addition to the standard household furnishings, we are able to move the following:

- automobiles (most cases)
- hot tubs
- marble/glass
- commercial equipment (most cases)
- medical equipment
- pianos
- pool tables
- arcade games
- shop tools (most cases)
- modular units
- safes
- big screen TV's
- vending machines
- electronics
- antiques

Exhibit 4

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Jackson, Nancy <FMCSA>

From: Leal, Mario <FMCSA>
Sent: Thursday, January 29, 2009 10:07 AM
To: Jackson, Nancy <FMCSA>
Subject: FW: michele coogan (8 of 8)

Mario Leal
Safety Investigator
FMCSA / Laredo Field Office
956-712-1385 #240
Fax 723-1479

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:46 PM
To: Leal, Mario <FMCSA>
Subject: michele coogan

hi mario,

i have forwarded the emails i received from accent. I am having my neighbor fax you 4 pages. they will come from kenneth copeland ministries on Friday May 18. one of the documents (my receipt) is legal size so i copied it on two pages. it shows i paid \$4000 at delivery and had a \$4000 balance. In a section above that it shows i was charged \$5000 and paid \$1000 down. It has CC marked after it indicating a cashiers check. My bank does not keep records of cashiers checks, only the withdrawals. I have copied my bank statements showing dates and withdrawals marked with arrows.

I noted on the accent web pages that if i paid with a cashiers check i was to receive a \$500 discount. I did not receive this and have just now noted it.

The name of the driver was Mark Moreno 817-504-1932

Thank you,

Michele Coogan
817-523-0282
817-602-0541 cell

Make every IM count. Download Messenger and join the i'm Initiative now. It's free.

Exhibit 5

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Leal, Mario <FMCSA>

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:34 PM
To: Leal, Mario <FMCSA>
Subject: FW: Accent Movers Confirmation for move

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: <mailformickey@hotmail.com>
 Subject: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 09:39:47 -0500

Customer Form Saved

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Current Customer Search Records: 5000
Current Customer Booking Records: 3562



Accent Movers

Fort Worth: (817)834-5377
2616 Weaver St. Fort Worth, Tx.
76117

Dallas: (972)264-7767
Tx.DOT #
000537473B

TxDOT - (800)299-1700
 Re: Residential Relocation
Customer Identification Number (CID):f3161

Dear Mickey Coogan,

This quote is guaranteed based on your information shown below. For your convenience, we have summarized the details of your move. To ensure that your move goes as smoothly as possible, please review the following and reply if changes are needed.

RELOCATION INFORMATION (if provided by customer):

Here is the information you have provided:

first: mickey	last: coogan
home: 916-717-0262 cell	cell: 916-564-9564

5/21/2007

OriginAddress: 2421 tab court	OriginCity: sacramento
OriginState: ca	OriginZip: 95825
FloorAtOrigin: ground	DestinationAddress: 613 n. avenue d
DestinationCity: springtown	DestinationState: tx
DestinationZip: 76082	FloorAtDestination: ground
EmailAddress: mailformickey@hotmail.com	salesperson: jolie
HideABed: 1	Chair: 2
EntertainmentCtr: 1	TVLess25: 1
TV25to32: 1	CurioCabinet: 1
QueenBed: 1	ChestOfDrawers: 5
PatioTable: 1	PatioChairs: 4
BirdBath: 2	ShelfUnit: 2
ToolchestLarge: 1	BoxUnderFifty: 100
Other: 1-antq. stove , 2-patio rocking chairs, 1-concrete crain, 1-drill press, 1-saw, 1-parsons table w/2wicker stools 1691 miles \$1000.00 deposit	company: two

PRICING: JT

This proposal is for listed items and services only. Additional items and services may result in additional costs.

Based on the Items listed, if paid by Master Card or VISA, the total quote is: **\$5000.00**

- If paid by cash, money order, or bank cashier's check, the additional discount is: 10%(move cost only)

IF PAID BY CASH, MONEY ORDER, or CASHIER'S CHECK, THE GUARANTEED LOWEST COST IS : \$4500.00

Your movers are scheduled to arrive between 8am - 10am on 9/8/2006.

This quote includes the following:

- EXCLUSIVE PICK UP & DELIVERY
- DISASSEMBLY & REASSEMBLY OF STANDARD FURNITURE
- LOADING & UNLOADING
- EXPERIENCED, PROFESSIONAL & COURTEOUS MOVERS
- WE ATTEMPT TO CONTACT YOU WHEN WE'RE IN ROUTE TO YOU
- ADDITIONAL ITEMS ARE THE SAME PRICE ON MOVE DAY AS WHEN YOU BOOK YOUR MOVE!
- SAME REASONABLE RATES 7 DAYS A WEEK

Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same.

REMARKS:

- If a guaranteed quote is not shown above, then a list of items was not provided. In order for **Accent Movers** to provide a guaranteed quote, an itemized list must be available.
- We do ask that payment be made upon arrival at the destination address.
- As required by Tx.DOT, a household goods carrier's liability for loss or damage to cargo is limited to .60 cents per pound per article unless the household goods carrier and shipper agree, in writing, to a higher limit of carrier liability. Such higher limit may be purchased at an additional cost and will be noted and signed for on the contract. This liability of cargo is quite often referenced by moving companies as **"Bonded and Insured"**
- We do offer competitive pricing and will make every effort to meet or beat any licensed and registered mover's quote.
- We are registered with the Better Business Bureau.

We would like to take this opportunity to thank you for considering **Accent Movers**. We value your business and hope to hear from you soon.

Sincerely yours,



Jolie Tanigawa

Jolie Tanigawa,
Relocation Consultant

Email Customer: mailformickey@hotmail.com

Estimated weight of shipment: 6123

Stair charge assessed: 1.01

From: Address: City: State: Zip:
 TO: Address: City: State: Zip:

Intrastate

Mileage:
 Weight:
 Percent:

Interstate

Mileage:
 Weight:
 Percent:

PC Magazine's 2007 editors' choice for best Web mail—award-winning Windows Live Hotmail.

Exhibit 6

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Leal, Mario <FMCSA>

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:28 PM
To: Leal, Mario <FMCSA>
Subject: FW: Updated Quote for Moving

From: <melissa@accentmovers.com>
Reply-To: <melissa@accentmovers.com>
To: "ml c" <mailformickey@hotmail.com>
Subject: Updated Quote for Moving
Date: Thu, 31 Aug 2006 10:51:54 -0500

Customer Form Saved

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Current Customer Search Records: 5000
Current Customer Booking Records: 3563



Accent Movers

Fort Worth: (817)834-5377
2616 Weaver St. Fort Worth, Tx.
76117

Dallas: (972)264-7767
Tx.DOT #
000537473B

TxDOT - (800)299-1700
 Re: Residential Relocation
Customer Identification Number (CID):f3161

Dear Mickey Coogan,

This quote is guaranteed based on your information shown below. For your convenience, we have summarized the details of your move. To ensure that your move goes as smoothly as possible, please review the following and reply if changes are needed.

RELOCATION INFORMATION (if provided by customer):

Here is the information you have provided:

first: mickey	last: coogan
home: 916-717-0262 cell	cell: 916-564-9564

5/21/2007

OriginAddress: 2421 tab court	OriginCity: sacramento
OriginState: ca	OriginZip: 95825
FloorAtOrigin: ground	DestinationAddress: 613 n. avenue d
DestinationCity: springtown	DestinationState: tx
DestinationZip: 76082	FloorAtDestination: ground
EmailAddress: mailformickey@hotmail.com	salesperson: jolie
HideABed: 1	Chair: 2
CoffeeTable: 1	EndTable: 2
EntertainmentCtr: 1	TVLess25: 1
TV25to32: 1	AreaRug: 2
GlassTop: 3	CurioCabinet: 1
QueenBed: 1	ChestOfDrawers: 5
PatioTable: 1	PatioChairs: 4
BirdBath: 2	ShelfUnit: 4
ToolchestLarge: 1	BoxUnderFifty: 175
Other: 1-antq. stove , 2-patio rocking chairs, 1-concrete crain, 1-drill press, 1-saw, 1-parsons table w/2wicker stools, 2-ch. lounge, 3-foldup chairs, 1-patio glider w/chairs & table, 4-antq. wooden wagon wheels, 1-wash tub 1691 miles \$1000.00 deposit	company: two

PRICING: JT

This proposal is for listed items and services only. Additional items and services may result in additional costs.

Based on the items listed, if paid by Master Card or VISA, the total quote is: **\$5555.00**

- If paid by cash, money order, or bank cashier's check, the additional discount is: 10%(move cost only)

IF PAID BY CASH, MONEY ORDER, or CASHIER'S CHECK, THE GUARANTEED LOWEST COST IS : \$5000.00

Your movers are scheduled to arrive between 8am - 10am on 9/8/2006.

This quote includes the following:

- EXCLUSIVE PICK UP & DELIVERY
- DISASSEMBLY & REASSEMBLY OF STANDARD FURNITURE
- LOADING & UNLOADING
- EXPERIENCED, PROFESSIONAL & COURTEOUS MOVERS
- WE ATTEMPT TO CONTACT YOU WHEN WE'RE IN ROUTE TO YOU
- ADDITIONAL ITEMS ARE THE SAME PRICE ON MOVE DAY AS WHEN YOU BOOK YOUR MOVE!

- SAME REASONABLE RATES 7 DAYS A WEEK

Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same.

REMARKS:

- If a guaranteed quote is not shown above, then a list of items was not provided. In order for **Accent Movers** to provide a guaranteed quote, an itemized list must be available.
- We do ask that payment be made upon arrival at the destination address.
- As required by Tx.DOT, a household goods carrier's liability for loss or damage to cargo is limited to .60 cents per pound per article unless the household goods carrier and shipper agree, in writing, to a higher limit of carrier liability. Such higher limit may be purchased at an additional cost and will be noted and signed for on the contract. This liability of cargo is quite often referenced by moving companies as "**Bonded and Insured**".
- We do offer competitive pricing and will make every effort to meet or beat any licensed and registered mover's quote.
- We are registered with the Better Business Bureau.

We would like to take this opportunity to thank you for considering **Accent Movers**. We value your business and hope to hear from you soon.

Sincerely yours,

Jolie Tanigawa

Jolie Tanigawa ,
Relocation Consultant

Email Customer: mailformickey@hotmail.com

Estimated weight of shipment: 9054.5


Stair charge assesed: 1.01

From: Address: 2421 tab court City: sacramento State: ca Zip: 95825
 TO: Address: 613 n. avenue d City: springtown State: tx Zip: 76082
[Get Directions](#)

Intrastate

Mileage:
 Weight: 9054.5
 Percent: 85
[Get Price](#)

Interstate

Mileage:
 Weight: 9054.5
 Percent: 40


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Exhibit 7

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Leal, Mario <FMCSA>

From: ml c [mailto:mailformickey@hotmail.com]
Sent: Thursday, May 17, 2007 8:24 PM
To: Leal, Mario <FMCSA>
Subject: FW: Re: Accent Movers Confirmation for move

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: "ml c" <mailformickey@hotmail.com>
 Subject: Re: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 10:52:43 -0500

I just checked with Shane and your total will be \$5000.00. Let me know if you have any questions.

----- Original Message -----

From: ml c
To: melissa@accentmovers.com
Sent: Thursday, August 31, 2006 10:31 AM
Subject: Re: Accent Movers Confirmation for move

i forgot about my x-mas stuff, and some bins in the garage. make the boxes total 175 to be safe. What do we do if i guess over?

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: "ml c" <mailformickey@hotmail.com>
 Subject: Re: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 10:07:15 -0500

Mickey,

Let me know what we need to add to the list and I'll let you know the cost. It shouldn't be that much because your main cost is the mileage and you've already been charged on that.

----- Original Message -----

From: ml c
To: melissa@accentmovers.com
Sent: Thursday, August 31, 2006 10:03 AM
Subject: RE: Accent Movers Confirmation for move

Hi Jolle,

There are many items not listed both that I mentioned to you in conversation and that I didn't recall when we talked. i know there will be room for them but my concern is not knowing the cost. How much more will overages cost me?

Thank You, Mickey

From: <melissa@accentmovers.com>
 Reply-To: <melissa@accentmovers.com>
 To: <mailformickey@hotmail.com>
 Subject: Accent Movers Confirmation for move
 Date: Thu, 31 Aug 2006 09:39:47 -0500

5/21/2007

Customer Form Saved

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Current Customer Search Records: 5000
 Current Customer Booking Records: 3562



Accent Movers

Fort Worth: (817)834-5377
 2616 Weaver St. Fort Worth, Tx.
 76117

Dallas: (972)264-7
 Tx.DOT #
 000537473B

TxDOT - (800)299-1700
 Re: Residential Relocation
 Customer Identification Number (CID):f3161

Dear Mickey Coogan,

This quote is guaranteed based on your information shown below. For your convenience, we have summarized the details of your move.
 To ensure that your move goes as smoothly as possible, please review the following and reply if changes are needed.

RELOCATION INFORMATION (if provided by customer):

Here is the information you have provided:

first: mickey	last: coogan
home: 916-717-0262 cell	cell: 916-564-9564
OriginAddress: 2421 tab court	OriginCity: sacramento
OriginState: ca	OriginZip: 95825
FloorAtOrigin: ground	DestinationAddress: 613 n. avenue d
DestinationCity: springtown	DestinationState: tx
DestinationZip: 76082	FloorAtDestination: ground
EmailAddress: mailformickey@hotmail.com	salesperson: jolie
HideABed: 1	Chair: 2
EntertainmentCtr: 1	TVLess25: 1
TV25to32: 1	CurioCabinet: 1
QueenBed: 1	ChestOfDrawers: 5
PatioTable: 1	PatioChairs: 4
BirdBath: 2	ShelfUnit: 2

ToolchestLarge: 1

BoxUnderFifty: 100

Other: 1-antq. stove , 2-patio rocking chairs, 1-concrete crain, 1-drill press, 1-saw, 1-parsons table w/2wicker stools
1691 miles \$1000.00 deposit

company: two

PRICING: JT

This proposal is for listed items and services only. Additional items and services may result in additional costs.

Based on the items listed, if paid by Master Card or VISA, the total quote is: **\$5000.00**

- If paid by cash, money order, or bank cashier's check, the additional discount is: 10%(move cost only)

IF PAID BY CASH, MONEY ORDER, or CASHIER'S CHECK, THE GUARANTEED LOWEST COST IS : \$4500.00

Your movers are scheduled to arrive between 8am - 10am on 9/8/2006.

This quote includes the following:

- EXCLUSIVE PICK UP & DELIVERY
- DISASSEMBLY & REASSEMBLY OF STANDARD FURNITURE
- LOADING & UNLOADING
- EXPERIENCED, PROFESSIONAL & COURTEOUS MOVERS
- WE ATTEMPT TO CONTACT YOU WHEN WE'RE IN ROUTE TO YOU
- ADDITIONAL ITEMS ARE THE SAME PRICE ON MOVE DAY AS WHEN YOU BOOK YOUR MOVE!
- SAME REASONABLE RATES 7 DAYS A WEEK

Accent Movers guarantees the quoted price is binding and will NOT CHANGE as long as the information furnished remains the same.

REMARKS:

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- We do ask that payment be made upon arrival at the destination address.
- As required by Tx.DOT, a household goods carrier's liability for loss or damage to cargo is limited to .60 cents per pound per article unless the household goods carrier and shipper agree, in writing, to a higher limit of carrier liability. Such higher limit may be purchased at an additional cost and will be noted and signed for on the contract. This liability of cargo is quite often referenced by moving companies as **"Bonded and Insured"**
- We do offer competitive pricing and will make every effort to meet or beat any licensed and registered mover's quote.
- We are registered with the Better Business Bureau.

We would like to take this opportunity to thank you for considering **Accent Movers**. We value your business and hope to hear from you soon.

Sincerely yours,

5/21/2007

Jolie Tanigawa

Jolie Tanigawa ,
Relocation Consultant

Email Customer: mailformickey@hotmail.com

Estimated weight of shipment: 6123

Stair charge assesed: 1.01

From:Address: 2421 tab court City: sacramento State: ca Zip: 95825
TO: Address: 613 n. avenue d City: springtown State: tx Zip: 76082

[Get Directions](#)

Intrastate

Mileage:
Weight: 6123
Percent: 85
[Get Price](#)

Interstate

Mileage:
Weight: 6123
Percent: 40
[Get Price](#)

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[Windows Live Spaces is here! It's easy to create your own personal Web site.](#)

[like the way Microsoft Office Outlook works? You'll love Windows Live Hotmail.](#)

Exhibit 8

HOUSEHOLD-GOODS PROPOSAL AND CONTRACT OF MOVING SERVICES

(1) SECTION 1 - GENERAL PROVISIONS

- (A) For the purposes of this subchapter, the following terms will mean:
- (i) Household good carrier-the motor carrier/hawser contracted to transport a shipment of household goods.
 - (ii) Shipper-the owner of the household goods shipment or his representative.
- (B) Changes to the moving service contract are not valid unless agreed to in writing by the household goods carrier and the shipper.
- (C) Household goods carriers will transport shipments with reasonable dispatch. Reasonable dispatch requires the transportation of a shipment within the agreed period of time shown on the moving services contract, except when circumstances beyond the carrier's control, force majeure, protest or delay transportation.
- (D) Moving services contracts must comply with all other applicable laws of the State of Texas.

SECTION 2 - CARGO LIABILITY PROVISIONS

- (c) The household goods carrier is not liable for loss or damage caused by dangerous or explosive goods unless the shipper notifies the carrier, in writing, of the nature of the goods and the carrier agrees, in writing, to the transportation of these goods.

(2) **SECTION 3 - CLAIM PROVISIONS**

- (A) A written claim must be filed by the shipper within 90 days of delivery of the shipment to the final destination. In case of failure to make delivery, then a written claim must be filed by the shipper within 90 days after a reasonable time for delivery has elapsed.
- (B) A household goods carrier is not liable for any claim that is not filed within 90 days of the delivery of the shipment to the final destination. A household goods carrier is not liable for any claim that is not filed within 90 days after a reasonable time for delivery has elapsed for shipments that were not delivered.

(4) **SECTION 4 - PAYMENT PROVISIONS.** The shipper must pay the freight charges upon delivery unless the shipper and household goods carrier agree otherwise.

SECTION 6. PROVISIONS FOR SHIPMENTS NOT DELIVERED.

- (A) A household goods carrier may place a statement of household goods for storage if the shipper is not available for delivery of the goods as scheduled.
- (B) The cost of such storage is the responsibility of the shipper of the household goods.
- (C) A statement of household goods for storage is subject to loss for storage, freight, and other lawful charges.
- (D) Household goods carrier must cause written notice of the storage of the household goods to the shipper at each address shown on the moving services contract within three days of placing the goods in storage.
- (E) If the shipper, consignee or acceptor does not claim the household goods within 15 days of the written notice of storage, the household goods carrier may begin the process of selling the goods at public sale, as prescribed in Transportation Code, Chapter 6.
- (F) A household goods carrier must give written notice of the public sale to the shipper at each address shown on the moving services contract.
- (G) The moving services contract does not prohibit the sale of the goods under any other lawful manner if the method set out in the contract cannot be reasonably accomplished.

MOVING GUIDELINES

1. It is understood by both parties that the move is to be performed at the direction and supervision of the customer.
2. It is company policy that any article that cannot be moved safely by two people will be excluded from the list.
3. All boxes to be moved will be taped and sealed top and bottom.
4. Customer must remove all valuables from furniture and boxes and also any loose pieces from furniture that could be lost.
5. Washing machine and refrigerator water connections are the fiscal responsibility of the customer.
6. If flooring protection is needed, it will be the responsibility of the customer to provide such protective covering.
7. It is understood that the mechanical condition of electronics and boxed contents are unknown.

Type of Proposal: Binding ☐ ; Not to Exceed ☐

CARRIERS LIABILITY: A household's carrier's liability for loss or damage to any shipment is \$100 per pound per article unless the carrier shipper agrees, in writing, to a greater level of liability.

This proposal is for the listed items and services only. Additional items and services may result in additional cost. Additional services may result in charges not accounted for on a proposal.

This is a contract for moving services and is subject to the terms and conditions on the front and back of this document and any addendums.

I have read, understand, and agree to the terms of the above:

Customer Signature X

Driver Signature X

Customer Name _____	<input type="checkbox"/> Called 800 Number Office	<input type="checkbox"/> Called Office	Move Price <u>5000 / 1000 down</u>
Current Phone _____	Total _____		Time _____ Date _____
Bus. Phone _____	Payment may be made in the form of: <input type="checkbox"/> Cash <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card <input type="checkbox"/>		Start Time _____ Stop Time _____
I agree to the contract and guidelines above. Transportation charges are due prior to unloading.	Card # _____		I agree to accept this proposal with an hourly rate quote and do not require an estimated number of hours to complete this proposal.
Exp. Date _____ Auth. # _____	DL # _____		
Customer Signature <u>[Signature]</u>			Customer Signature <u>[Signature]</u>

OFFICE DESK: OFFICE, SEC., EXE., ROLL TOP DESK: WRITING, RETURN DESK CHAIR FILE CAB.: 2-DRAWER FILE CAB.: 4-DRAWER FILE CAB.: 2-DWR.-LAT. FILE CAB.: 4-DWR.-LAT. TABLE: FOLDING _____ FT. TABLE: CONF. _____ FT. STORAGE CAB.: 2-DOOR	LIVING ROOM SECTIONAL SOFA 2-SECTIONAL SOFA 3-SECTIONAL SOFA EUTON TABLE: COFFEE SOFA, END OVERSTUFFED CHR., ARM OR RECLINER BIG SCREEN T.V. _____ INCH ENTERTAINMENT CENTER PORTABLE T.V. _____ T.V. STAND STEREO / V.C.R. / COMP. COMPONENTS BOOKCASE OR WALL UNIT FOOT STOOL OR OTTOMAN LAMPS / PICTURES AREA RUG	BED ROOM BED: WATER, DAY, BUNK, BRIDGE WE DISASSEMBLE: YES NO BED: KING SIZE BED: SINGLE, DOUBLE, QUEEN SIZE NIGHT STAND MIRROR DRESSER, CHEST OF DRAWERS ARMOIRE VANITY DRESSER FOOT LOCKER, CEDAR CHEST, TRUNK CLOTHES (MEASURED IN LINEAR FEET) NURSERY ITEMS: CRIB, CHANGING TAB. WE DISASSEMBLE: YES NO DINING ROOM CHINA CABINET BUFFET DINING TABLE BAR STOOL OR DINING CHAIR CUBO CABINET / BAKER'S RACK / ETAGERE KITCHEN REFRIGERATOR OR FREEZER WASHER / DRYER MICROWAVE OVEN / STAND MISCELLANEOUS BAR-B-QUE GRILL BICYCLE	BOXES, ONE PERSON CARRY BOXES, TWO PERSONS CARRY SEWING MACHINE IRONING BOARD / VACUUM CLEANER PLANTS / PLANT STAND AQUARIUM _____ GAL. PIANO, ORGAN GARDEN EQUIPMENT / TOOLS LAWN MOWER, FERTILIZER SPREADER PATIO TABLE PATIO CHAIRS WORK BENCH EXERCISE EQUIPMENT TREADMILL, STEPPER, BIKE WEIGHT BENCH _____ LBS. TOOL CHEST SHELF UNIT (METAL, ETC.) <i>BOUY MIXED</i> <i>Antique copper</i> <i>7413</i>
---	--	--	--

May. 18. 2007 9:43AM

No. 6472 P. 2

SECTION 2 - PROVISIONS FOR SHIPMENT & DELIVERY

- (A) A household goods carrier may place a shipment of household goods into storage if the shipper is not available for delivery of the goods as scheduled.
- (B) The cost of such storage is the responsibility of the shipper of the household goods.
- (C) A shipment of household goods placed in storage is subject to loss for storage, freight, and other related charges.
- (D) A household goods carrier must issue written notice of the storage of the household goods to the shipper at each address shown on the moving services contract within three days of placing the goods in storage.
- (E) If the shipper refuses to accept or does not claim the household goods within 15 days of the written notice of storage, the household goods carrier may begin the process of selling the goods at public sale, as prescribed in Transportation Code, Chapter 6.
- (F) A household goods carrier must give written notice of the public sale to the shipper at each address shown on the moving services contract.
- (G) The moving services contract does not prohibit the sale of the goods under any other lawful manner if the method set out in the contract cannot be reasonably accomplished.

MOVING GUIDELINES

1. It is understood by both parties that the move is to be performed at the direction and supervision of the customer.
2. It is company policy that any article that cannot be moved safely by two people will be excluded from the list.
3. All boxes to be moved will be taped and sealed top and bottom.
4. Customer must remove all valuables from furniture and boxes and also any loose pieces from furniture that could be lost.
5. Washing machine and refrigerator water connections are the final responsibility of the customer.
6. If flooring protection is needed, it will be the responsibility of the customer to provide such protective covering.
7. It is understood that the mechanical conditions of electronics and boxed contents are unknown.

Type of Proposal: Binding ☐ Not to Exceed ☐

CARRIERS LIABILITY: A household goods carrier's liability for loss or damage to any shipment is \$04 per pound per article unless the carrier shipper agree, in writing, to a greater level of liability. This proposal is for the listed items and services only. Additional items and services may result in additional cost. Additional services may result in charge not accounted for on a proposal.

This is a contract for moving services and is subject to the terms and conditions on the front and back of this document and any addendums.

I have read, understand, and agree to the terms of the above: Customer Signature XDriver Signature X

Customer Name
 Current Phone
 Cell Pager
 Bus. Phone

I agree to the contract and guidelines above. Transportation charges are due prior to unloading.

Customer Signature X

☐ Called 800 Number ☐ Called Office
 Total
 Payment may be made in the form of:
☐ Cash ☐ Money Order ☐ Debit Card ☐
 Card #
 Exp. Date Auth. #
 DL #

Move Price \$5000 1,000 down
 Time Date
 Start Time Stop Time

I agree to accept this proposal with an hourly rate quote and do not require an estimated number of hours to complete this proposal.

Customer Signature X

QTY. LIVING ROOM
 ___ 3-CUSHION SOFA
 ___ 2-CUSHION SOFA
 ___ HIDE-A-BED
 ___ FUTON
 ___ TABLE: COFFEE, SOFA, END
 ___ OVERSTUFFED CHL. ARM OR RECLINER
 ___ BIG SCREEN T.V. INCH
 ___ ENTERTAINMENT CENTER
 ___ PORTABLE T.V. T.V. STAND
 ___ STEREO / V.C.R. / COMP. COMPONENTS
 ___ BOOKCASE OR WALL UNIT
 ___ FOOT STOOL OR OTTOMAN
 ___ LAMPS / PICTURES
 ___ AREA RUG
 ___ OFFICE
 ___ DESK: OFFICE, SEC., EXE., ROLL TOP
 ___ DESK: WRITING, RETURN
 ___ DESK CHAIR
 ___ FILE CAB.: 2-DRAWER
 ___ FILE CAB.: 4-DRAWER
 ___ FILE CAB.: 2-DWR.-LAT.
 ___ FILE CAB.: 4-DWR.-LAT.
 ___ TABLE: FOLDING FT.
 ___ TABLE: CONF. FT.
 ___ STORAGE CAB., 2-DOOR
 ___ CREDENZA

BED ROOM
 ___ BED: WATER, DAY, BUNK, BRIDGE
 ___ WE DISASSEMBLE: YES NO
 ___ BED: KING SIZE
 ___ BED: SINGLE, DOUBLE, QUEEN SIZE
 ___ NIGHT STAND
 ___ MIRROR
 ___ DRESSER, CHEST OF DRAWERS
 ___ ARMOIRE
 ___ VANITY DRESSER
 ___ FOOT LOCKER, CEDAR CHEST, TRUNK
 ___ CLOTHES (MEASURED IN LINEAR FEET)
 ___ NURSERY ITEMS: CRIB, CHANGING TAB.
 ___ WE DISASSEMBLE: YES NO
 ___ DINING ROOM
 ___ CHINA CABINET
 ___ BUFFET
 ___ DINING TABLE
 ___ BAR STOOL OR DINING CHAIR
 ___ CURIO CABINET / BAKER'S RACK / ETAGERE
 ___ KITCHEN
 ___ REFRIGERATOR OR FREEZER
 ___ WASHER / DRYER
 ___ MICROWAVE OVEN / STAND
 ___ MISCELLANEOUS
 ___ BAR-B-QUE GRILL
 ___ BICYCLE

___ BOXES, ONE PERSON CARRY
 ___ BOXES, TWO PERSONS CARRY
 ___ SEWING MACHINE
 ___ IRONING BOARD / VACUUM CLEANER
 ___ PLANTS / PLANT STAND
 ___ AQUARIUM GAL.
 ___ PIANO, ORGAN
 ___ GARDEN EQUIPMENT / TOOLS
 ___ LAWN MOWER, FERTILIZER SPREADER
 ___ PATIO TABLE
 ___ PATIO CHAIRS
 ___ WORK BENCH
 ___ EXERCISE EQUIPMENT
 ___ TREADMILL, STEPPER, BIKE
 ___ WEIGHT BENCH LBS.
 ___ TOOL CHEST
 ___ SHELF UNIT (METAL, ETC.)

Any damages occurring on this move should be noted on this contract.

SUB TOTAL 4000 TFS/MISC. 0TOTAL 4000Customer Signature X

This is the maximum shipper will be required to pay for the listed services:

Driver Signature X

CURRENT ADDRESS
 Street 2421 TPPB COURT
 Apt. # Apt. Name
 Zip Code 75825 State Long Walk ☐ Yes ☐ No
 Main Intersection SACRAMENTO CA

2ND STOP
 Street
 Apt. # Apt. Name
 Zip Code State Long Walk ☐ Yes ☐ No
 Main Intersection

NEW ADDRESS
 Street 613 N AVE D
 Apt. # Apt. Name
 Zip Code 76082 State Long Walk ☐ Yes ☐ No
 Main Intersection SPRINGTOWN TX

Exhibit 9

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

P.O. BOX 1098
 NORTHIDGE, CA 91328-1098

This Statement Covers
 From: 09/08/06
 Through: 10/05/06

Need assistance?
 To reach us anytime,
 call 1-800-788-7000
 or visit us at wamu.com

MICHELE L COOGAN
 613 N AVENUE D
 SPRINGTOWN TX 76082-2213



Debit MasterCard customers: You have been upgraded to a Gold Debit MasterCard! The Guide to Benefits is online at wamu.com/debit, or call 1-800-MC-ASSIST for a copy. We will issue you a Gold Debit MasterCard when your current card expires.

Your Free Checking Detail Information

MICHELE L COOGAN

Account Number: ~~XXXXXXXXXX~~
 Washington Mutual Bank, FA

Get a quote for Safeco auto insurance today. With just a few minutes of your time, we'll give you an instant auto quote that's customized just for you. If you like the quote, we can start your coverage today. Go to www.WaMutual.com or call 1-800-685-9551.

Your Account at a Glance

Beginning Balance	XXXXXXXXXX
Checks Paid	\$75.00
Other Withdrawals	\$10,746.54
Deposits	\$0.00
Ending Balance	XXXXXXXXXX

Date	Description	Withdrawals (-)	Deposits (+)
09/12	Customer Withdrawal	\$5,000.00	← \$4000
09/13	MC SEARS DEALER 3747 WEATHERFORD TX	\$1,730.33	an a
09/18	POS TXU ENERGY TXU ENERGY/BILLMATRIX DALLAS TX	\$400.00	check
09/19	POS VERIZON WRLS 3510 NW CENTER DRIVE SPORT WORTH TX	\$86.59	
09/19	POS COSTCO WHSE 5300 OVERTON RIDGE FORT WORTH TX	\$63.32	
09/25	POS 99 CENTS ONL STORE 2823 FORT WORTH TX	\$8.17	
09/25	ATM WASH MUTUAL 1115 CAMP COCKE BL STEET WORTH TX	\$20.00	



P.O. BOX 1098
 NORTHBRIDGE, CA 91328-1098

This Statement Covers
 From: 08/05/06
 Through: 09/07/06

Need assistance?
 To reach us anytime,
 call 1-800-788-7000
 or visit us at wamutl.com

MICHELE L COOGAN
 613 N AVENUE D
 SPRINGTOWN TX 76082-2213



Just call us WaMu. We are excited to announce that we are now referring to ourselves as WaMu. Soon you will begin seeing our new logo on our website, in branches and mail from us.

Your Free Checking Detail Information

MICHELE L COOGAN Account Number: ~~XXXXXXXXXX~~
 Washington Mutual Bank, PA

Reduce your stress when the unexpected happens. First Protector pays your monthly mortgage payment when a disaster occurs, such as a flood, fire, tornado, or hurricane. For information about how to protect your home call (800) 349-9756 or go to www.disastercoverage.com. OFFER #DDA275055U8

Your Account at a Glance

Beginning Balance	\$1,000.00
Checks Paid	-\$525.00
Other Withdrawals	-\$103,717.17
Deposits	\$0.00
Ending Balance	\$1,000.00

Date	Description	Withdrawals (-)	Deposits (+)
08/14	ATM-CHG TD010031 501 HWY 199 E & HILL TSPRINGTOWN TX	\$101.50	
08/14	POS REIN CO HOUT 100 E SPRINGTOWN TX	\$19.75	
08/14	MC-SHELL OIL 57540973005 SPRINGTOWN TX	\$20.00	
08/14	MC-SHELL OIL 57540973005 SPRINGTOWN TX	\$20.00	
08/15	ATM-CHG TD010031 501 HWY 199 E & HILL TSPRINGTOWN TX	\$201.50	
08/21	POS NATURE'S HEAL THESTORE AZEE TX	\$67.99	
08/21	POS HEB GROCERY 3801 42ND STREET ODESSA TX	\$65.89	
08/21	MC-BELL'S MEAT MARKET	\$78.00	
08/24	Customer Withdrawal	\$100,007.55	
08/24	Customer Withdrawal	\$1,000.00	
08/28	POS USPS 0566819 2801 ARDEN WAY US SACRAMENTO CA	\$4.05	
08/28	CITICARD PAYMENT CHECK PAYEE ID#	\$10,18.24	

← accent deposit



Exhibit 10

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

UNITED STATES DEPARTMENT OF TRANSPORTATION

US DOT #
703784Legal: ACCENT MOVERS INC
Operating (DBA):

MC/MX #: 325452

Federal Tax ID: 75-2317010 (EIN)

Review Type: Non-ratable Review - Commercial - Receipt

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory:

Operation Types: Interstate Intrastate

Carrier: Non-HM N/A

Shipper: N/A N/A

Cargo Tank: N/A

Business: Corporation

Gross Revenue: \$750,000.00

for year ending: 12/31/2006

Company Physical Address:

2616 Weaver Street
Haltom City, TX 76117

Contact Name:

Phone numbers: (1) 817-834-5377

(2)

Fax

E-Mail Address:

Company Mailing Address:

2616 Weaver Street
Haltom City, TX 76117

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	1
Review/Audit Receipt Page	1
Total Pages	6

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

Walker Plaza, 5810 San Bernardo Ave., Suite 290
Laredo, TX 78041
Phone: (956)712-1385 Fax: (956)723-1479

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Shane Gibson

Title: President

Name:

Title:

Reported By:

Title:

Code: US0739 Date: 5/17/2007

Received By:

Title:



UNITED STATES DEPARTMENT OF TRANSPORTATION


 US DOT #
703784

 Legal: ACCENT MOVERS INC
Operating (DBA):

MC/MX #: 325452

Federal Tax ID: 75-2317010 (EIN)

Review Type: Non-ratable Review - Commercial

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory:

Operation Types Interstate Intrastate

 Carrier: Non-HM N/A
 Shipper: N/A N/A
 Cargo Tank: N/A

 Business: Corporation
 Gross Revenue: \$750,000.00 for year ending: 12/31/2006

Company Physical Address:

 2616 Weaver Street
 Haltom City, TX 76117

Contact Name: Shane Gibson, President

Phone numbers: (1) 817-834-5377 (2)

Fax

E-Mail Address:

Company Mailing Address:

 2616 Weaver Street
 Haltom City, TX 76117

Carrier Classification

Authorized for Hire

Other: Household

Cargo Classification

Household Goods

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:	0	0
>= 100 Miles:	1	0

Average trip leased drivers/month: 0

Total Drivers: 1

CDL Drivers: 1

Equipment

Owned Term Leased Trip Leased

Owned Term Leased Trip Leased

Truck 0 1 0 Trailer 1 0 0

Power units used in the U.S.: 1

Percentage of time used in the U.S.: 100





ACCENT MOVERS INC

U.S. DOT #: 703784

Review Date:

05/17/2007

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

Walker Plaza, 5810 San Bernardo Ave., Suite 290

Laredo, TX 78041

Phone: (956)712-1385 Fax: (956)723-1479

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Shane Gibson

Title: President

Name:

Title:





ACCENT MOVERS INC
U.S. DOT #: 703784

Review Date:
05/17/2007

Part B Violations

1 FEDERAL	Primary: 375.209(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to have a complaint & inquiry-handling program. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				
2 FEDERAL	Primary: 375.211(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to participate in an arbitration program. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				
3 FEDERAL	Primary: 375.501(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to prepare a written order for service for each move performed Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				
4 FEDERAL	Primary: 375.503(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to prepare a written inventory for each shipment of household goods transported. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				





ACCENT MOVERS INC
U.S. DOT #: 703784

Review Date:
05/17/2007

Part B Violations

5 FEDERAL	Primary: 375.505(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to prepare a bill of lading for each move performed. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				
6 FEDERAL	Primary: 387.7(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas				
7 FEDERAL	Primary: 392.9a(a) Secondary: 14901(d)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failure to register or maintain registration as a household goods broker or motor carrier. Example Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas The company failed to maintain required registration as household goods motor carrier.				
Safety Fitness Rating Information: Total Miles Operated 50,000 Recordable Accidents 0		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0		
Your proposed safety rating is :				
This Review is not Rated.				





ACCENT MOVERS INC

U.S. DOT #: 703784

Review Date:

05/17/2007

Part B Requirements and/or Recommendations

1. All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.
2. You may contact the Federal Motor Carrier Safety Administration / Texas Division office at 512-536-5980.
3. You must establish and maintain a procedure for responding to complaints and inquiries from your individual shippers as required in § 375.209.
4. Participate in an arbitration program as required for the handling of loss and damage claims.
5. Become familiar with the Federal Regulations governing the transportation of household goods in interstate commerce listed under Title 49 C.F.R. 375. Especially the revised regulations.
6. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
7. "Notice: recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action."
8. Cease all interstate or foreign transportation until properly registered with the Federal Motor Carrier Safety Administration.
9. Cease all for-hire interstate transportation of regulated commodities until evidence of public liability is filed with the Federal Motor Carrier Safety Administration.
10. PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified to you by the investigator.

Attached to this report is Table I, which identifies all the documented violations which were discovered during the course of this review.
11. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, Laredo Field Office at 956-712-1385.





ACCENT MOVERS INC
U.S. DOT #: 703784

Review Date:
05/17/2007

Part C

Reason for Review: Other

HHG Complaint

Planned Action: Prosecution

TX-2007-1354-US0739

Safestat Category: N

Parts Reviewed Certification:

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180

✓

Prior Reviews

7/18/2005

9/10/2002

2/18/1998

Prior Prosecutions

Reason not Rated: C

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: Shane Gibson

Corporate Contact Title: President

Special Study Information:

Remarks:

Accent Movers Inc. is a for hire intrastate household goods motor carrier. The company is owned and controlled by Mr. Shane Gibson. Mr. Gibson was present for the review and provided all documents collected during the compliance review.

As of the date of the compliance review, Federal Motor Carrier Safety Administration-Licensing and Insurance website, indicated the carrier operating authority (MC#325452) status as inactive. The operating authority number was revoked in June 16, 1998.

As per Mr. Gibson, the company owns trailers and operates with owner operators under lease agreements. Accent Movers Inc. provides the customer and trailer, while the owner operator is responsible for making the move.

The carrier operates with pick up trucks (Ford F-350) that have a gross vehicle weight rating less than 26,001 lbs. These vehicles are used in combination with trailers owned by the carrier.

The compliance review was conducted as a result of a household goods complaint. Special instructions on the complaint indicated the carrier transported household goods on September 11, 2006 from Sacramento, California to Springtown, Texas. As per the complainant, the carrier failed to deliver all of the complainant's belongings and failed to provide a contract or bill of lading. The complaint form also indicated Mark Moreno as the driver for the trip.

Complainant information:

Michelle Coogan

613 North Avenue D

Springtown, Texas 76082

Phone: 817-523-0282

Cell: 817-602-0541

As per MCMIS profile, the carrier was the subject of a non-ratable compliance review (commercial) on July 18, 2005. FMCSA's Enforcement Management System (EMIS) indicated no enforcement history for any previous reviews.

On Monday May 7, 2007 Mr. Shane Gibson, President of the company was contacted and informed that a compliance review was going to be conducted on the company. At this time, the compliance review was scheduled for Thursday May





ACCENT MOVERS INC
U.S. DOT #: 703784

Review Date:
05/17/2007

Part C

17, 2007 and several pages were faxed to Mr. Gibson indicating documents needed for the review.

During the opening interview, it was explained to Mr. Gibson that a complaint had been filed against his company from a move that initiated in California and ended in Texas. Mr. Gibson stated that his company only operates intrastate but if there was a complaint against his company he was willing to pay the fine.

It was also explained to Mr. Gibson that the complainant had exchanged e-mails with an employee of his company and that the complainant had copies of a proposal/quote provided by his company and had also kept copies of the money order made out to Accent Movers Inc.

Mr. Gibson gave the investigator access to his file cabinet where he kept contracts for 2006 and part of 2007. No evidence of interstate activity was found. Once again, Mr. Gibson stated that it would be much easier if we (FMCSA) just gave him a ticket.

Mr. Gibson did not maintain a driver qualification file for driver Mark Moreno but provided a statement in which he confirms that Mr. Moreno was an employee of the company from January 2005 to January 2007.

The complainant was contacted and asked to provide any document provided by the company. Ms. Coogan agreed to provide documents and/or e-mails from Accent Movers. The investigator made arrangements with Ms. Coogan to collect the documents at her residence in Springtown, Texas. Once in Springtown, Ms. Coogan informed the investigator that she had an emergency and was not going to be available.

Instructions were given to Ms. Coogan to either fax or e-mail any documents she had from Accent Movers. Ms. Coogan forwarded all e-mails she had with Accent Movers. The e-mails confirmed that Accent Movers was the carrier for the interstate trip from California to Texas.

Part 383 - Since the carrier failed to provide any driver information and the complainant did not include any driver license number on her complaint; no CDLIS checks were conducted during this review.

All violations discovered were explained to Mr. Gibson and documents were provided in order to help the carrier comply with safety and economic regulations.

The carrier failed to provide documents for the trip but agreed to sign the compliance review receipt page, written statement and Table 1 form.

Enforcement is going to be recommended against the carrier for failing to register as a household goods motor carrier.

The carrier demonstrated little knowledge of the Federal Motor Carrier Safety and Economic Regulations. Mr. Gibson stated that the company has no plans to engage in interstate commerce.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:



Exhibit 11

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

Location: Accent Movers office, Haltom City, Texas

Date: May 17, 2007

Carrier Name: Accent Movers Inc
2616 Weaver Street Haltom City, Texas 78045
Telephone: 817-834-5377

USDOT #: 703784

Interviewer Name: Mario Leal, FMCSA-Safety Investigator

Statement of: Shane Gibson, President

I, Shane Gibson, President for Accent Movers Inc. make the following voluntary statement to Mario Leal who has identified himself to me as a Safety Investigator of the United States Department of Transportation. No threats or promises have been made to me.


The carrier operates mainly as an intrastate household goods motor carrier. The company's motor carrier authority (MC# 703784) is inactive as of the date of the compliance review.

I understand that our company has been found to be in violation of various applicable Federal Motor Carrier Safety and Commercial regulations. I also understand that I Shane Gibson, President for Accent Movers Inc should have known of and ensured our company's compliance with all applicable regulations. It has been explained to me that enforcement action may result in the following discovered violation.

As of the date of the compliance review the Carrier engaged in one interstate movement of household goods without having the required authority for the type of commodity transported.

Number	Violation	Identifying Information Driver / Equipment / Commodity	Date of Violation
1	49 CFR §392.9a(a)/14901(d)(3)	Driver: Mark Moreno Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas	09/11/2006

I reviewed the above statement consisting of one (1) page. I declare under penalty of perjury that the foregoing is true and correct.


Statement by:
Shane Gibson, President

5-17-07
Date:


Witness by:
Mario Leal, Safety Investigator

5/17/2007
Date:

Table 1
Violations Discovered During the Review

Number	Violation	Identifying Information Driver / Equipment / Commodity	Date of Violation
1	49 CFR §392.9a(a)/14901(d)(3)	Driver: Mark Moreno Pick up date: 09/11/2006 Delivery date: 09/15/2006 Shipper: Michelle Coogan Commodity: Household goods Origin & destination: California to Texas	09/11/2006

Statement by:
Shane Gibson, President

5-17-07

Date:



Witness by:
Mario Leal, Safety Investigator

5/17/2007

Date:

Exhibit 12

mark moreno Employment 01-7-05

10

Black Ford F350

1-10-07

ACCENT MORENO INC

5-17-07



STAN GIBSON

Exhibit 13

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Booked Search Results

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Return

The estimated total for the selected period is \$3778.500
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g140	8am	tachell	817-498-0103	817-917-0703	no richland hills	mike r	keller	9	1	2006	\$187	melissa	ABLE g140
g507	10am	vargas	972-401-9658	214-695-6115	irving		coppell	9	1	2006	\$454	melissa	ABLE g507

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g144	8am	morse	214-384-7415	817-719-0037	arlington	matt	grand prairie*only a few items upstairs	9	1	2006	\$238	melissa	ABLE g144

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g516	8am	watkins	817-987-0379	817-800-6643	arlington	jose/david	arlington	9	1	2006	\$316	melissa	ABLE g516
g532	12pm	gregory	817-266-8542	cell	fort worth	fort worth confirmed	fort worth *steps	9	1	2006	\$224	melissa	ABLE g532

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g531	12pm	rouse	972-736-2727		blue ridge	david/johnnie	farmersville	9	1	2006	\$505	melissa	ABLE g531

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g553	8am	charnock	972-412-8964	214-870-9681	rowlett	mark	humble	9	1	2006	\$1200	melissa	ABLE g553

Crew 7

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g233	12pm	finley	817-366-6959		irving	rocky	fort worth	9	1	2006	\$217	melissa	ABLE g233

Crew 8

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g522	8am	bradley	doug 214-773-3238	tracy 214-577-9821	dallas	jim/adrain/fred	richardson	9	1	2006	\$hourly	melissa	ABLE g522
g409	4pm	schreiner	817-320-4710		burleson	confirmed	eules	9	1	2006	\$195	melissa	ABLE g409

Crew 10 (Packing)

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g531	12pm	rouse packing	972-736-2727		blue ridge	david/johnnie	farmersville	9	1	2006	\$112.5	melissa	ABLE g531

Daily Notes:

Add Note

Booked Search Results

[Create New Customer](#) | [Search Customers](#) | [Search Schedule](#)
[Administrative Options](#) | [Long Distance Quick Calculators](#)

Return

The estimated total for the selected period is \$4404.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g28	8am	davis	682-465-3376	682-465-3392	arlington	mike	ft. worth	9	2	2006	\$445	melissa	ABLE g28
f3200	4pm	brancato		469-951-7503	eules	same day for jimmy	grapevine	9	2	2006	\$334	jolie	ABLE f3200

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g471	8am	keen	817-243-3237	817-483-2569	arlington	rocky	bedford	9	2	2006	\$340	melissa	ABLE g471
f3159	2pm	earls	214-403-3572 cell		desoto	confirmed	grand prairie	9	2	2006	\$188	jolie	ABLE f3159

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g559	8am	palmer	2144851844	4694712282	irving	jason/albert	dallas	9	2	2006	\$427	melissa	ABLE g559
g604	2pm	norton	817-605-7357	817-808-2116	north richland hills	confirmed can't go early	grapevine	9	2	2006	\$282	melissa	ABLE g604

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f1353	8am	aghamalian		972.824.1455	arlington	mark m	dallas	9	2	2006	\$330	jolie	ABLE f1353
f3083	2pm	mcbride	817-329-6156	817-416-0895 hm	southlake	mark m	trophy club	9	2	2006	\$540	jolie	ABLE f3083

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g503	8am	lewallen		469-223-1743	dallas	jim	irving	9	2	2006	\$328	melissa	ABLE g503
f3152	10am	higgins		817-821-3628	arlington	confirmed	watauga	9	2	2006	\$240	jolie	ABLE f3152

g530	4pm	aparicio	817-735-4590	817-205-3525	fort worth		white settlement	9	2	2006	\$165	melissa	ABLE g530
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Crew 6

CID	Time	Last	Home	Cdl	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g571	8am	barnes		214-662-1611	plano	david	plano	9	2	2006	\$475	melissa	ABLE g571
g588	2pm	nielsen	817-238-7117	817-975-1877	arlington	confirmed	lake worth	9	2	2006	\$310	melissa	ABLE g588

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$1821.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3160	8am	mosley	972-298-7530	214-697-2585	desoto	rick	plano	9	5	2006	\$262	jolie	ABLE f3160
f3190	12pm	cornerstone	817-994-2335		lewisville	bedford	arlington	9	5	2006	\$hourly	jolie	ABLE f3190
f3154	4pm	prajapati		817-939-1858	bedford		north richland hills	9	5	2006	\$200	jolie	ABLE f3154

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
d82	8am	draper		214-714-2530	colony	jason	colony	9	5	2006	\$75 hr	shane	ABLE d82
g487	2pm	fabby	972-230-8658	214-364-1826	lancaster		lancaster	9	5	2006	\$258	melissa	ABLE g487

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f2725	8am	ensminger	817-845-5769	eric 817-360-5558	fort worth	mike r	fort worth	9	5	2006	\$360	jolie	ABLE f2725
f3194	12pm	ratliff	214-650-5202		grand prairie		irving	9	5	2006	\$hourly	jolie	ABLE f3194

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3179	8am	crocker	817-924-0736	469-235-3992	fort worth	rocky	fort worth	9	5	2006	\$406	jolie	ABLE f3179

Crew 20 (Estimate)

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CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
13083	8am	mcbride estimate	817-329-6156	817-416-0895 hm	southlake	mark m	trophy club	9	5	2006	\$0	jolie	ABLE 13083

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$970.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g620	8am	price	817-219-5445		fort worth	call when in route mike-ray	college station	9	6	2006	\$525	melissa	ABLE g620

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
3191	8am	atwood		214-537-1555	university park	dallas*pickup boxes after this move*american legend homes jason	dallas	9	6	2006	\$hourly	jolie	ABLE 3191

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g617	8am	westmoreland		817-808-4584	keller	rocky & son	fort worth	9	6	2006	\$155	melissa	ABLE g617
3195	10am	hopper		817-329-2253	972-333-4233 southlake	call when in route prefers closer to 2:00	lewisville	9	6	2006	\$160	jolie	ABLE 3195

Daily Notes: _____

Add Note

Booked Search Results

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Return

**The estimated total for the selected period is \$952.00
(Including \$130.00 for each hourly customer)**

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g515	12pm	burgess	cell 817- 734- 1888	731- 394- 1423	azle	call when in route rocky & son & george	azle	9	7	2006	\$525	melissa	ABLE g515

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
13184	2pm	mote		214- 476- 2852	plano	request three men jason & adrian & jimmy	plano	9	7	2006	\$427	jolie	ABLE 13184

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$1941.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
b3600	8am	daw		682-433-4486	arlington	confirmed mike-ray & james	arlington	9	8	2006	\$146	bg	ABLE b3600
f3202	12pm	cornatzer	817-478-1577	210-264-3063	arlington	confirmed	arlington	9	8	2006	\$271	jolie	ABLE f3202
g344	4pm	aguiar	254-749-7507*254-716-6087	254-757-2034	arlington	confirmed	arlington	9	8	2006	\$200	melissa	ABLE g344

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g616	10am	love	817-275-5878	817-734-9822	fort worth	confirmed jason adrian & frank	fort worth	9	8	2006	\$144	melissa	ABLE g616
g658	2pm	case		903-436-0862	dallas	confirmed	dallas	9	8	2006	\$240	melissa	ABLE g658
g672	5pm	thompson	469-335-6922		dallas		dallas	9	8	2006	\$hourly	melissa	ABLE g672

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g661	4pm	york		817-999-5574	bedford	hurst 5-hours rocky & son	north richland hills	9	8	2006	\$hourly	melissa	ABLE g661

Crew 10 (Packing)

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3005	8am	reeves packing	972-691-9626	817-676-7248	flower mound	rocky/johnny/george	flower mound	9	8	2006	\$680	jolie	ABLE f3005

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$3117.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g313	8am	thomas	817-925-8895	214-460-2650	dallas	jason	garland	9	9	2006	\$275	melissa	ABLE g313

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3204	10am	vela	469-360-5100		arlington	confirmed mike my	dallas	9	9	2006	\$350	jolie	ABLE f3204
g631	4pm	mackey	214-275-0390		dallas		dallas	9	9	2006	\$225	melissa	ABLE g631

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3017	8am	wofford	817-852-1397		fort worth call when at the gate	terry	same complex	9	9	2006	Shourly	jolie	ABLE f3017
f3185	12pm	daily		817-689-4095	arlington	same complex confirmed	arlington	9	9	2006	Shourly	jolie	ABLE f3185

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g623	8am	bruss	713-412-4631	281-360-7956	fort worth	jimmy	dallas	9	9	2006	\$226	melissa	ABLE g623
g600	12pm	walker	214-681-5037	805-482-9975	frisco	confirmed	plano	9	9	2006	\$261	melissa	ABLE g600

Crew 6

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3005	8am	reeves	972-691-9626	817-676-7248	flower mound	rocky johnny george	flower mound	9	9	2006	\$1520	jolie	ABLE f3005

Daily Notes:

Add Note


Booked Search Results

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Return

The estimated total for the selected period is \$306.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
13163	8am	rahem	817-732-5529		ft worth	confirmed	ft worth	9	10	2006	\$306	jolie	ABLE  13163

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$1293.00
(Including \$130.00 for each hourly customer)

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g612	8am	smith	214-763-5731	972-596-7516	allen	jimmy	plano	9	11	2006	\$462	melissa	ABLE g612

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3216	12pm	peterson	817-829-3000 linda	817-371-9788	bedford	rocky	colleyville	9	11	2006	\$hourly	jolie	ABLE f3216

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3213	8am	newton	817-563-5680	817-371-8730	arlington	jason	arlington	9	11	2006	\$441	jolie	ABLE f3213

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3223	12pm	david	469-441-2763		irving	mike r	irving	9	11	2006	\$hourly	jolie	ABLE f3223
f3040	4pm	banta	817-466-7300	817-819-5535	arlington	arlington confirmed	roanoke	9	11	2006	\$hourly	jolie	ABLE f3040

Daily Notes: Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$522.00
(Including \$130.00 for each hourly customer)

Daily Notes

no more crews

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g607	8am	murray	817-789-8165		fort worth	mike-ray & dan	fort worth	9	12	2006	\$160	melissa	ABLE g607
g644	12pm	covert	817-456-5497		dallas	confirmed	arlington	9	12	2006	\$213	melissa	ABLE g644
t3226	4pm	lindsey	972-897-8252		arlington	confirmed	arlington	9	12	2006	\$149	jolie	ABLE t3226

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$860.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g697	12pm	tenley		214-695-3304	plano *park/preston	2-men mike- ray & dan	p.o.d.	9	13	2006	\$90.00 per hour	melissa	ABLE g697
g722	4pm	charles	817-734-3098		hurst *steps	same day	hurst	9	13	2006	\$235	melissa	ABLE g722

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g391	8am	sance	817-545-2288	817-614-0851	bedford	confirmed jason & adrian	fort worth	9	13	2006	\$265	melissa	ABLE g391
t3229	12pm	conner		817-983-8101	saginaw		ft worth	9	13	2006	\$140	jolie	ABLE t3229

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g675	8am	boyer	817-551-5319	817-874-0228	fort worth	4-5 hours jimmy & rick	haslet	9	13	2006	\$hourly	melissa	ABLE g675

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$2253.00
(Including \$130.00 for each hourly customer)

Daily Notes

get books carts for both office moves

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g567	8am	allen	903-288-5064		lewisville	mark m	round rock	9	14	2006	\$1333	melissa	ABLE g567

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g708	8am	cornerstone staffing	amy borgoon 682-429-8533		coppell	mike & dan	coppell	9	14	2006	\$hourly	melissa	ABLE g708
g3203	10am	vosseknil	214 676 9212		corinth		mckinney	9	14	2006	\$380	jolie	ABLE g3203

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g3233	8am	chandra	972-568-9598	janice 972-590-9293	north richland	trophy club jason & david	grapevine	9	14	2006	\$hourly	jolie	ABLE g3233
g681	2pm	mcdowell		817-312-4418	arlington		arlington	9	14	2006	\$150	melissa	ABLE g681
g715	4pm	aranda	972-955-7476		lewisville	2-hours	irving	9	14	2006	\$hourly	melissa	ABLE g715

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$7011.00
(Including \$130.00 for each hourly customer)

Daily Notes

no more crews
no more moves

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g485	8am	kelley		817-913-5288	arlington	jim/david barnett	fort worth	9	15	2006	\$165	melissa	ABLE g485
g733	12pm	bryson	817-282-1891		hurst	confirmed	bedford	9	15	2006	\$hourly	melissa	ABLE g733

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g455	8am	via m.d.	817-346-4229*817-475-9560	817-346-4224	fort worth	mike r/ dan/ jason/helper	benbrook	9	15	2006	\$1425	melissa	ABLE g455

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3147	8am	rollins	214-221-8293		dallas	joe	dallas	9	15	2006	\$248	jolie	ABLE f3147
g645	12pm	blazer	214-766-4399		dallas	confirmed	hurst	9	15	2006	\$265	melissa	ABLE g645
g690	2pm	simmons	817-680-2188		fort worth		azle	9	15	2006	\$328	melissa	ABLE g690

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
d95	8am	mckenna			decatur	mark	decatur	9	15	2006	\$3875	shane	ABLE d95

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g734	10am	allen	817-881-4659		fort worth	rocky/adam	fort worth	9	15	2006	\$325	melissa	ABLE g734
g710	2pm	lukose	972-288-0562	214-500-3227	mesquite		mesquite	9	15	2006	\$250	melissa	ABLE g710

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$2467.00
(Including \$130.00 for each hourly customer)

Daily Notes

no more moves

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g437	4pm	hawes	214-680-9369	brandon-469 438 9891	plano	confirmed	plano	9	16	2006	\$290	melissa	ABLE g437

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g691	8am	gratch		541-915-6203	fort worth	rick d/johnnie	fort worth	9	16	2006	\$172	melissa	ABLE g691
g709	10am	campbell		817-905-5589	fort worth	confirmed get there as early as possible	grand prairie	9	16	2006	\$222	melissa	ABLE g709
g636	12pm	kopecki		214-293-4392	grand prairie		plano	9	16	2006	\$239	melissa	ABLE g636

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3219	8am	bailey	214-488-4651	972-974-1059	lewisville	jim/ 2 helpers	lewisville	9	16	2006	\$hourly	jolie	ABLE f3219
g349	12pm	helt	214-488-2284	972-207-1385	lewisville	confirmed	lewisville	9	16	2006	\$313	melissa	ABLE g349

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g632	10am	horten		817-727-	keller	jason	arlington	9	16	2006	\$166	melissa	ABLE g632

				0977									
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Crew 6

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g719	8am	truman		469-363-6389	rowlett	mark	waco	9	16	2006	\$690	melissa	ABLE g719
g702	4pm	verranault	817-715-7537		arlington	confirmed	arlington	9	16	2006	\$245	melissa	ABLE g702

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$1630.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g499	8am	hayslett	972-231-2397		richardson	2 trucks/ mark m/ jason	lancaster	9	18	2006	\$950	melissa	ABLE g499
g775	5pm	cottery		214-251-7988	lancaster		desoto	9	18	2006	\$400	melissa	ABLE g775

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g656	10am	broadhurst	214-534-7117	214-679-6961	grapevine	mike-ray & dan	southlake	9	18	2006	\$280	melissa	ABLE g656

Daily Notes:

Add Note


Booked Search Results

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Return

**The estimated total for the selected period is \$130.00
(Including \$130.00 for each hourly customer)**

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
d97	8am	spence		817 323 0892	arlington	rocky/adam	ftw	9	19	2006	\$hourly	shane	ABLE  d97

Daily Notes:

Add Note

Booked Search Results

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[Return](#)

**The estimated total for the selected period is \$422.00
(Including \$130.00 for each hourly customer)**

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g495	8am	machin	972-862-0217	469-774-5050	plano	mark 3 men 90.00 per hr	frisco	9	20	2006	\$hourly	melissa	ABLE g495

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g714	8am	jones	817-467-5887	682-438-5088	arlington	mike-ray & dan	arlington	9	20	2006	\$292	melissa	ABLE g714

Daily Notes:

[Add Note](#)

Booked Search Results

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[Return](#)

**The estimated total for the selected period is \$693.00
(Including \$130.00 for each hourly customer)**

Daily Notes

Court 11 am plano

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
t2641	8am	vassar		469-644-2220	the colony	confirmed rocky & adam	the colony	9	21	2006	\$345	jolie	ABLE t2641

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g795	8am	wild	817-741-6003	817-412-1632	highland village	1-desk only mike-ray & dan	keller	9	21	2006	\$170	melissa	ABLE g795
g679	9am	mouton	940-300-9954		lewisville	confirmed confidential	same complex	9	21	2006	\$178	melissa	ABLE g679

Daily Notes:

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Booked Search Results

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Return

The estimated total for the selected period is \$1377.00
(Including \$130.00 for each hourly customer)

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g770	8am	wentworth	817-426-1274	817-301-9976	burleson	rocky & dimetry	saginaw	9	22	2006	\$hourly	melissa	ABLE g770

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3038	8am	travis		817-714-7018	keller	mark m lm.	fort worth	9	22	2006	\$530	jolie	ABLE f3038
g703	4pm	wageswier	817-831-2737		haltom city	confirmed prefers 5-6 p.m.	haltom city	9	22	2006	\$135	melissa	ABLE g703

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3222	8am	cunningham		817-689-0236	north richland hills	mike r	fort worth	9	22	2006	\$197	jolie	ABLE f3222

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
d100	12pm	george	817-899-4599	817-297-8448	crowley	jimmy/david	ft worth	9	22	2006	\$215	shane	ABLE d100
g783	2pm	ford	214-306-5747		richardson	same day	within the same house	9	22	2006	\$170	melissa	ABLE g783

Daily Notes: _____

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Booked Search Results

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Return

The estimated total for the selected period is \$3257.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g603	8am	penn		214-263-2203	plano	david	wylie	9	23	2006	\$375	melissa	ABLE g603
g773	4pm	black		469-951-6151	grand prairie	cedar hill confirmed	dallas	9	23	2006	\$220	melissa	ABLE g773

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g701	8am	lyon	817-835-0825	214-681-7875	eules	rocky	grapevine	9	23	2006	\$299	melissa	ABLE g701
d99	4pm	gowans		214 395 1822*wrong number	cedar hill	confirmed	cedar hill	9	23	2006	\$75 hr	shane	ABLE d99

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g731	8am	ramagos	972-355-0861	214-287-8592	flower mound	jason	flower mound	9	23	2006	\$hourly	melissa	ABLE g731

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3221	8am	parton	972-315-2421	214-766-0295	lewisville		frisco	9	23	2006	\$400	jolie	ABLE f3221
g740	12pm	johnson		817-657-9152	coppell	mike r	carrollton	9	23	2006	\$175	melissa	ABLE g740

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g542	8am	weygandt	972-985-1783	972-754-8885	plano	mark *take 3 wardrobes	mckinney	9	23	2006	\$712	melissa	ABLE g542

Crew 6

CID	Time	Last	Home	Cell	Origin City	Additional	Destination	Month	Day	Year	Total	Rep	Print Contract
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						City	City							
t2790	8am	weiland		817-937-3090	mansfield	justin	mansfield	9	23	2006	\$296	jolie	ABLE	t2790
g802	4pm	rico	817-925-8123	817-925-8123	fort worth	confirmed	fort worth	9	23	2006	\$225	melissa	ABLE	g802

Crew 7

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g736	10am	hayes	817-361-5706	817-239-3457	fort worth		fort worth	9	23	2006	\$165	melissa	ABLE g736
g743	12pm	mcclure	214.293.7923	214.293.7923	irving	jim	irving*same complex	9	23	2006	\$185	melissa	ABLE g743

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$801.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
d102	8am	stone		817-455-6228	irving	rocky	irving	9	25	2006	\$hourly	shane	ABLE d102
g816	10am	lagrange	972-906-0795	817-240-8934	grapevine		flower mound	9	25	2006	\$hourly	melissa	ABLE g816
g754	2pm	virmani		214-882-2758	plano		plano	9	25	2006	\$175	melissa	ABLE g754

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g840	2pm	pascale		214-701-8448	carrollton	meet her at 4:30	unload only	9	25	2006	\$hourly	melissa	ABLE g840
g830	6pm	harrison	214-557-8731		dallas	call to confirm olga or joyce 214-661-3502	dallas	9	25	2006	\$236	melissa	ABLE g830

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$334.00
(Including \$130.00 for each hourly customer)

Daily Notes

mediation for oyes ahmed at 9:00 a.m.

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
12368	8am	nastri	972-660-2672		grand prairie	mike ray	lewisville	9	26	2006	\$204	jolie	ABLE  12368
13257	12pm	douglas		817-915-5786	mansfield		unload only	9	26	2006	\$hourly	jolie	ABLE  13257

Daily Notes:

Add Note

Booked Search Results

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Return

**The estimated total for the selected period is \$594.00
(Including \$130.00 for each hourly customer)**

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g796	8am	samantha hill attorney office	817-740-8882		fort worth	mike r	fort worth	9	27	2006	\$hourly	melissa	ABLE g796

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g813	8am	reza	817-642-0897		grand prairie	jim	mckinney	9	27	2006	\$250	melissa	ABLE g813

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
t3254	8am	hilton	817-602-0588		ft worth	rocky	ft worth	9	27	2006	\$214	jolie	ABLE t3254

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$1655.00
(Including \$130.00 for each hourly customer)

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g820	8am	sajudi	214-507-6407	817-472-6972	arlington	mike r	arlington	9	28	2006	\$414	melissa	ABLE g820
g3235	4pm	tull	2517 rogers ave.	817-456-2579	ft. worth		ft. worth	9	28	2006	\$155	jolie	ABLE g3235

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g825	8am	cornerstone staffing	972-373-3418		lewisville	rocky	coppell	9	28	2006	\$hourly	melissa	ABLE g825
g789	12pm	mattern	817-251-7379	817-938-6887	grapevine	l.m.	grapevine	9	28	2006	\$406	melissa	ABLE g789

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f1414	8am	hill	817-428-8763		hurst	johnnie	north richland hills	9	28	2006	\$145	jolie	ABLE f1414
g841	10am	doyle chiropractic	817-514-7766		watauga	3-men confirmed	keller	9	28	2006	\$hourly	melissa	ABLE g841
g831	2pm	davis	817-423-0325	817-991-7999	fort worth	confirmed he	fort worth	9	28	2006	\$145	melissa	ABLE g831

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g854	8am	fielbel			southlake	goerge/ rick	loading into pod.	9	28	2006	\$hourly	melissa	ABLE g854

Daily Notes: _____

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$3512.00
(Including \$130.00 for each hourly customer)

Daily Notes

no more moves

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
b3773	8am	guajardo	214-395-5599	214-986-0457	duncanville	jim	mckinney	9	29	2006	\$235	bg	ABLE b3773
g800	2pm	allen		469-644-8749	irving	confirmed	fort worth*6steps	9	29	2006	\$205	melissa	ABLE g800

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g744	8am	arnold	817-741-9557	972-567-7385	keller	jet/johnnie	eules	9	29	2006	\$210	melissa	ABLE g744
g667	12pm	rodgers	214-995-4888		fort worth	confirmed	fort worth	9	29	2006	\$159	melissa	ABLE g667
g834	4pm	yanni		8173133013	watanga	confirmed	ft. worth *storage closes at 9:00 a.m.	9	29	2006	\$286	melissa	ABLE g834

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g771	8am	stuteville	817-410-1031	817-944-0115	colleyville	mike r	chico	9	29	2006	\$492	melissa	ABLE g771

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g755	8am	stephens		972-979-5858	frisco	rocky	frisco	9	29	2006	\$370	melissa	ABLE g755

Crew 5

CID	Time	Last	Home	Cell	Origin	Additional	Destination	Month	Day	Year	Total	Rep	Print Contract
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					City	City	City							
f3245	8am	stone	817-230-4235		hurst	mark m	bedford	9	29	2006	\$490	jolie	ABLE	f3245
g766	4pm	medichetti	2144413635	9722497167	irving	load only on 9/29 and deliver 9/30 6-8 p.m.	austin	9	29	2006	\$685	melissa	ABLE	g766

Crew 6

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
f3262	2pm	wierick	817-307-2243		arlington	a c	arlington	9	29	2006	\$250	jolie	ABLE f3262
f3275	5pm	barr	817-721-6348		grand prairie	same day	arlington	9	29	2006	\$hourly	jolie	ABLE f3275

Daily Notes:

Add Note

Booked Search Results

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Return

The estimated total for the selected period is \$3705.5.00
(Including \$130.00 for each hourly customer)

Daily Notes

no more moves

Crew 1

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g781	8am	lassiter		817-793-1167	mansfield	mark	mansfield	9	30	2006	\$749	melissa	ABLE g781

Crew 2

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g883	8am	campbell	817-690-5492		eules	jim /rick	eules	9	30	2006	\$226	melissa	ABLE g883
g808	2pm	westfall		469-744-2105	the colony	2-3 hours*confirmed	little elm	9	30	2006	Shourly	melissa	ABLE g808

Crew 3

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g3208	8am	rusnak	817-514-6618	682-597-0335	arlington	mike r	nrh	9	30	2006	\$391	jolie	ABLE g3208
d103	2pm	holding		817-475-4766	hurst	confirmed	bedford	9	30	2006	\$196	shane	ABLE d103

Crew 4

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g748	8am	jackson	817-899-2629		arlington	a c/ albert	grand prairie	9	30	2006	Shourly	melissa	ABLE g748
g804	10am	white		214-893-3187	lancaster		grand prairie	9	30	2006	\$224	melissa	ABLE g804
g757	4pm	yates	940-395-4411		fort worth	confirmed	fort worth steps	9	30	2006	\$160	melissa	ABLE g757

Crew 5

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g885	10am	trivedi	214-547-8627	972-352-1761	plano	jelf/johnnie	frisco	9	30	2006	\$285	melissa	ABLE g885
g621	12pm	nevarez		214-205-1394	lewisville	confirmed*told 3:00 p.m.	lewisville	9	30	2006	\$160	melissa	ABLE g621
g577	4pm	young	972-969-7401	214-374-4419	dallas	confirmed	dallas	9	30	2006	\$195	melissa	ABLE g577

Crew 6

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g856	8am	axton		972-795-5793	fort worth	rocky/adam	dallas	9	30	2006	\$hourly	melissa	ABLE g856

Crew 7

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g3264	10am	snyder	972-551-1471	972-965-8954	richardson	hot tub/larry	terrell	9	30	2006	\$300	jolie	ABLE g3264

Crew 8

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g821	9am	leaks		214-995-2729	irving	james	eules	9	30	2006	\$175	melissa	ABLE g821
g3227	12pm	harris	817-219-5259		arlington		arlington	9	30	2006	\$142	jolie	ABLE g3227

Crew 10 (Packing)

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g883	8am	campbell packing	817-690-5492		eules	jim/rick	eules	9	30	2006	\$112.5	melissa	ABLE g883

Crew 20 (Estimate)

CID	Time	Last	Home	Cell	Origin City	Additional City	Destination City	Month	Day	Year	Total	Rep	Print Contract
g766	6pm	medichetti estimate	2144413635	9722497167	irving	load only on 9/29 and deliver 9/30 6-8 p.m.	austin	9	30	2006	\$0	melissa	ABLE g766

Daily Notes:

Add Note

Exhibit 14

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Mr. Mareo Leal,
TX. DOT

Feb, 11, 2009

Below is a summary of information on my move from California to Texas using Accent Movers.

Regretably, I do not have any additional documentation to send you.

I can only give you peoples names who were involved in hooking me up with Accent or those who know of my situation. I will try to list them and explain how they were involved.

Jim Buckley: Tab Ct. Sacramento, CA 1-916-712-4409. I moved from his residence.

Lori Mayo: 1-817-798-4663, Mayo Realestate. She is Jim Buckley's neice and my realtor in Springtown, TX. She has an employee named Shawna. Shawna's brother owns Accent Movers. Lori Mayo gave me accent movers number. When I got to Springtown, I contacted Lori and expressed my dismay in the fact that Accent sent a pick-up truck and trailer to move my stuff. She said she didn't understand what happened, that Accent has semi's to move people, that is what Accent does. I let her know I was going to file a complaint, apoligized as it was her employers brother and that it was business and hoped that hard feelings would be at a minimum. Lori was suprised that all had happened.

Shawna: Lori Mayo's employee. I spoke to shawna previous to the move. I thanked her for giving me her brothers name, expressing comfort that someone through my friends was moving my belongings and I felt a sence of safty in that my belongings would arrive in TX. Shawna's comment to me was " I just hope my brother treats you right". In hindsight that was a red flag!

Joyce Harris: Lori Mayo's mother. My good friend. She can only confirm my story in that I kept her up to date on my dismay with Accent Movers and that I bought a pick-up truck in TX. and made a

trip back to CA to retrieve more of my belongs.

Mark Moreno: 1-817-504-1932, private citizen sent to move me from CA to TX from Accent Movers.

He arrived in his personal Dodge Pick-up. Dual wheels. Black. Gooseneck equipped to haul his 30' trailer, trailer was somewhat beat up. his truck was in immaculate condition, I can only assume it was a newer model. He brought his father with him to help. In Springtown he had a gentlemen helping who didn't speak english.

When Mark arrived I express my dismay in that I was expecting a moving company, not a private citizen with a pick up and trailer and that I could have rented a moving truck from uhaul. That I needed a semi trailer because all my belonging wouldn't fit in a 30' trailer. At this point I had already sent \$1000 to Accent Movers. They proceeded to load the trailer with as much of my stuff as they could cram in, also to my dismay. Mark said he didn't know anything about a semi, he was sent by Accent, that Accent had told him I didn't have much to move, just some boxes and a few pieces of furniture. Obviously, he was just hired to do a job. I asked him about going through the scales, he said they didn't have to. That they just tell officials they are helping friends move. He indicated he has done this before. Mark and I were in contact during the move via cell phones.

The carbon copies are not ledgible. The amounts paid were \$1000 in advance and \$4000 on delivery, both paid by money order requested by Accent Movers. Accent told me no personal checks and no cashiers checks. Mark Moreno collected the \$4000 on delivery. The money order was made out to Accent Movers.

I still do not have the rest of my belongings. The remainder is still in CA. Jim Buckley was going to bring it to TX. but has not been able to make the trip.

FYI: I am currently living in Wisconsin, moved here to take care of my

ailing mother. I still own my home in Springtown, TX. I am still in touch with Jim, Lori, and Joyce.

Sincerely,
Michele Coogan
817-602-0541

Exhibit 15

FMCSA-2007-0089
In the Matter of Accent Movers, Inc.
Claimant's Motion for Summary Judgment

Oral Interview Form**Type of Contact**
Telephone**Date**5/21/2009 at 9:10 am CT
5/27/2009 at 2:30 pm CT**Place of Interview****Interviewee's Name****Interviewee's Address**

Michele Coogan

623 Sylvan Terrace, Waukesha, WI, 53188

Name and Title of Interviewer

Jeff Langloss, Federal Program Manager

Narrative

Mrs. Coogan was interviewed about her move from Sacramento, CA to Springtown, TX back in September 2006.

I asked Mrs. Coogan who she contracted her move with. She stated it was with Accent Movers out of the Dallas area.

Mrs. Coogan was asked when she paid her \$1,000 up front to hold the dates who did she paid it to and how did she pay it? She obtained a cashiers check from Washington Mutual in Sacramento, CA. She stated that the cashiers check was made out to Accent Movers. Ms. Coogan stated she was not sure which branch but was going to check and see if they have a copy of the check after it was cashed.

Mrs. Coogan was asked when Mark Moreno (driver) showed up did he or anyone with him wear any hat, shirt or anything else that had Accent Movers or any other company? She stated no. Then she was asked if the vehicle or trailer had any moving company name on it? Neither did. I asked Mrs. Coogan to describe the vehicle used, she stated that the vehicle was a black pick-up truck with a trailer.

Mrs. Coogan was asked when the driver arrived what her understanding was of whom he represented? She stated that she understood that he was friends with and worked for Shane Gibson the owner of Accent Movers. She was also asked if there was anything else that happened during the loading that lead her to believe it was Accent Movers that was making the move for her? She explained that The driver made multiple calls to Shane Gibson during the day. When asked to recall some of these she told me of two different incidents that happened. When the driver arrived in a pick-up truck and trailer Mrs. Coogan was upset because she had been told by Accent Movers that it would be a semi that would show up. The driver called Shane Gibson to find out what was going on and when he got off the phone he asked what she wanted to do. She told him to start packing the trailer. Later in the day as it became clear that all of her belonging were not going to fit on the trailer she asked the driver when they would be coming back to get the rest of her belongings? Mark Moreno again called Shane Gibson to find out. When he got off the phone he told her that Accent Movers does not normally come out to California. They stay in Texas where they are located most the time and they did not know when they could get back to pick up the rest of her belongings.

Mrs. Coogan was asked if during the day while they were packing up the trailer if the driver Mark Moreno ever stated who he was working for? Ms. Coogan stated that Mark Moreno told her he worked for Accent Movers.

Mrs. Coogan did not see any other company names on any of the paper work provided to her nor did Mark Moreno, driver, Jolie Tanigwa, relocation consultant or Melissa, last name and position unknown (e-mail address melissa@accentmovers.com) give her any other companies names during the entire moving process.

In Texas when the same driver arrived and it came time to pay the driver the remaining \$4,000 he was given a money order in the name of Accent Movers.

Mrs. Coogan was very clear in the fact that it was Accent Movers that she arranged the entire move with and it was Accent Movers that payments were made to. Accent Movers would not accept personal checks.